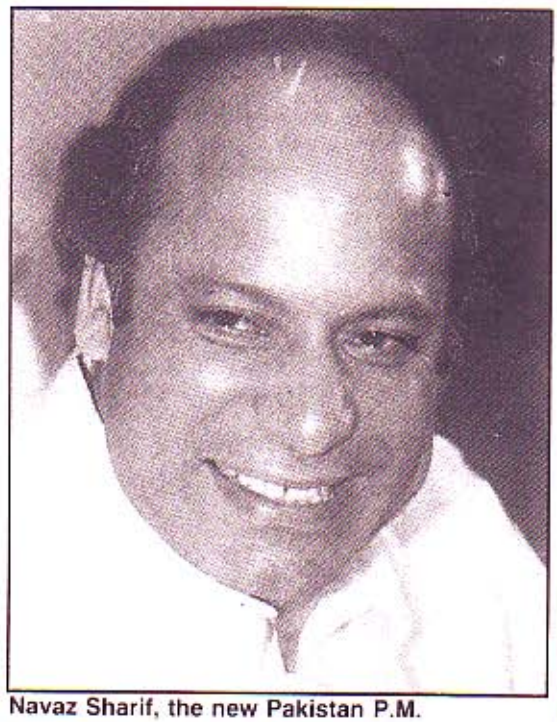
Tamil TIMES

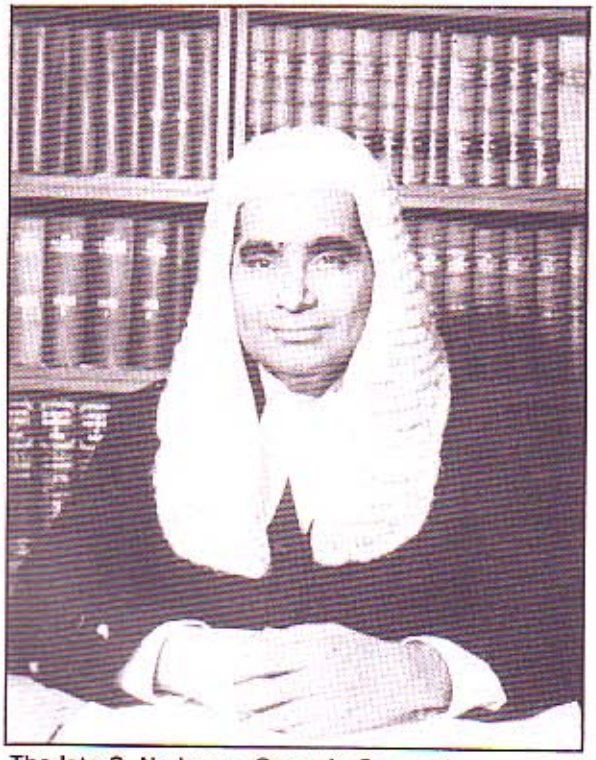
ANNUAL SUBSCRIPTION
UK/India/Sri Lanka .....£15/US$25
Australia .....Aus$45
(Australian bank cheques only)
Canada .....Can$40
USA.....US$35
All other countries .....£20/US$35

Vol XVI No.2 ISSN 0266-4488 15 FEBRUARY 1997 90p

- ★ Govt. MP Assassinated
- ★ NEW ARMY OFFENSIVE
- ★ Local Elections – A Test of Strength Amidst Violence
- ★ POLITICS OF BUDDHISM
- ★ On Nadesan and Judges – Tenth Anniversary Commemoration



Navaz Sharif, the new Pakistan P.M.



The late S. Nadesan, Queen's Counsel

- ★ Vijaya's Murder – Former President Implicated
- ★ THE CHOICE FOR TAMILS
- ★ Lessons From the South African Constitution
- ★ DESCENT TO CHRONIC CONFLICT
- ★ Pakistan Elections
- ★ BOOK REVIEW

1977 20 YEARS 1997

TAPROBANE TRAVEL

1977 20 YEARS 1997

Sri Lanka Tours

Bonded by the Civil Aviation Authority for your financial security

(Over 130,000 SATISFIED CLIENTS SINCE 1977)

AIRLANKA

TOP AGENT AIRLANKA & KLM 1992 *to* 1995

MAIN AGENT FOR KUWAIT AIRWAYS

KLM Royal Dutch Airlines — Fly the Difference with KLM

*ADDITIONAL CHARGE FROM REGIONAL AIRPORTS ON REQUEST
BRISTOL,B'HAM,CARDIFF M'CHESTER,GLASGOW NEW CASTLE, ABERDEEN,BELFAST, EDINBURGH,LEEDS AND NORWICH,HUMBERSIDE & SOUTHAMPTON

KLM SEAT SALE *From* **£340** *RETURN*

DEPART LONDON - TUESDAYS

DEPART COLOMBO - WEDNESDAYS

All travel must be completed by 29th March 1997

TRANSFERS FROM BANDARANAIKE INTERNATIONAL AIRPORT TO COLOMBO BY AIR CONDITIONED PRIVATE VECHILE FROM A MERE £15

ATOL 84136

IATA

AN EMERGENCY PHONE SERVICE ONLY FOR IMMEDIATE TRAVEL 0860 439 483

For reservations contact Our Travel Consultants - Kamini,Upali or Chris

London Office-4,Kingly Street,London W1R 5LF

Tel: 0171 437 6272/3, 0171 734-9078,0171 434 3921

Colombo Office-252 Galle Road,Colombo 4. Tel: 587767

VISA

Access

OUR AIR FARE TO COLOMBO RTN. FROM £340

TRANSCONTINENTAL

SHIPPING & TRAVEL LTD

SYMBOL OF QUALITY SERVICES

இலங்கையின் கப்பல் போக்குவரத்து களஞ்சியங்களுக்கு கிரமமான, நம்பிக்கையான சேவை.

★ கொழும்புக்கு அர்ப்பணம் மிகுந்த உன்னத சேவை. (16 தினங்கள்)
★ தேயிலைப் பெட்டிகளிலிருந்து, முழு அளவிலான தனிப்பட்ட பொருள்கள் வரை.
★ கார், மற்றும் 20அடி , 40அடி முழு வர்த்தக சரக்குகளுக்கு விசேட கட்டணம்.
★ மின்சார உட்பத்தி யந்திரம், யந்திர வகைகள், உபகரணங்கள்.
★ சலவை யந்திரம், குளிர் சாதனப்பெட்டி போன்ற வீட்டுப்பாவனை மின்சார உபகரணங்களுக்கு வரிவிலக்கு.

உங்கள் பொருள்களுக்கு இலங்கையர் பலரும் விரும்பும் முதல்தர துரித விடுவிப்பு வசதிகள் அளிக்கப்படுகின்றன.

● உலகளாவிய விமான பொதி சேவைக்கு எங்களை நாடுங்கள். ●

We Provide Air Fright Services Worldwide

LONDON - MADRAS TRICHY-TRIVANDRAM — AIRLANKA, AIR INDIA, GULF AIR

LONDON - KUALALUMPUR — AIRLANKA, MALAYSIAN AIR

LONDON - SINGAPORE — KUWAIT AIR, AIRLANKA

நீங்கள் தொடர்புகொள்ளவேண்டியவர்கள்: Harry Mahendran Asoka Fernando or Nagabalan(Nags)

Woodgreen Bussiness Centre, Suite 412, Ashley House, 235 High Road, Woodgreen, London N22 4HF

0181-889 8486 MOBILE: 0956 524500 FAX: 0181-889 2676

OPEN SEVEN DAYS INCLUDING SUNDAYS

"I do not agree with a word of what you say, but I'll defend to the death your right to say it."
-Voltaire

Tamil TIMES

ISSN 0266 - 4488
Vol.XV1 No.2
15 FEBRUARY 1997

Published by:
TAMIL TIMES LTD
P,O, BOX 121
SUTTON, SURREY SM1 3TD
UNITED KINGDOM

Phone: 0181-644 0972
Fax: 0181-241 4557

ANNUAL SUBSCRIPTION

UK/India/Sri Lanka	**£15/US$25**
Australia	**Aus$45**
(Australian bank cheques only)	
Canada	**Can$40**
USA	**US$35**
All other countries	**£20/US$35**

Views expressed by contributors are not necessarily those of the editor or publishers.

The publishers assume no responsibility for return of unsolicited manuscripts, photographs or artwork.

CONTENTS

MP Assassinated	03
New Military Offensive	04
Local Elections - Test of Strength	05
Arrests in Tamil Nadu	06
Premadasa Implicated in Murder	07
Politics of Buddhism	07
Pieter Keuneman Passes	08
Indo-Lanka Relations	08
Descent to Chronic Conflict	10
The Choice for Tamils	13
Of Nadesan and Judges	15
Lessons From South Affrica	19
Pakistan Elections	24
Punjab Witnessing a New Phase	25
Tamil Issue to the Forefront	26
Tragic Tale of Shipwreck	27
Book Review	28
Readers Forum	29
Classified	30

NEWS REVIEW

MP Assassinated in Pre-Poll Violence

Nalanda Ellawala, Sri Lanka's ruling People's Alliance(PA) Member of Parliament for the Ratnapura district and the All Island Organizer of the Sri Lanka Freedom Party on February 11 evening at a bus stand in Kuruwita town, about 110 kilometres from Colombo. Killed in the same incident was the bodyguard of the Badulla district Member of Parliament, Dilan Perera who with three four others sustained gunshot injuries.

Ellawala, 29, was taken to the Ratnapura hospital but died on the operating table. Before surgery while he was still conscious, Ellawala had deposed that the person shot him was the UNP Member of Parliament Susantha Punchinilame.

The incident occurred when Ellawala and his supporters encountered supporters of the opposition UNP on a road in Kuruwita, 80 km (50 miles) from Colombo. According to the police the shooting took place when Ellawala was proceeding to Colombo when their way was blocked at Kuruwita by UNP activists led by Susantha Punchinilame.

According to police reports, a group of UNP supporters had stopped the vehicle in which Ellawala and a fellow MP Dilan Perera were travelling, compelled the occupants to get down and fired at them. Ellawala and Perera were unarmed at that time. The group that attacked them was reported to have about 15 persons with arms of various descriptions, the sources said. As the police began hunt for the arrest of the prime suspects, Punchinilame and Mahinda Ratnatilleke who had gone into hiding, it was revealed by police sources that after gunning down the bodyguard of the Badulla MP, the suspects had driven their vehicle three times over the fallen bodyguard's body. They also said that the assailants had shot at the vehicle in which wounded MPs was being taken to the hospital, and when the vehicle reached the hospital, it had two flat tyres.

Police on 13 February issued a nation-wide bulletin saying they were looking for UNP Member of Parliament Susantha Punchinilame and Mahinda Ratnatilleke, a former UNP Mayor of Ratnapura, as suspects in the killing. "On the basis of the material available to the police so far, the following persons are wanted for questioning by police - a UNP Member of Parliament of the Ratnapura District, his personal bodyguard and a former UNP mayor of Ratnapura Municipal Council."

"Police are soliciting the Co-operation from the public to provide information regarding the hideouts of...Punchinilame or Ratnatilleke...who are wanted for the assassination of Nalanda Ellawala," the police bulletin said. A statement by the Inspector-General of Police said a reward of one million rupees ($17,500) would be paid to anyone providing information leading to the arrest of the two suspects. Immediately following the shooting incident which took place in the afternoon, it has been revealed that Punchinilame along with Ratnatilleke drove straight to Sri Kotha, the UNP's headquarters in Colombo, saw the UNP leader Wickremasinghe at 7 pm and Punchinilame had claimed that he had shot at Ellawala's vehicle in self-defence. The UNP leader then advised him that he should go and see his lawyers and act according to advice, and in this connection he was recommended to see Mr.Tilak Marapone, the former Attorney General. Whether Punchinilame saw Mr.Marapone or not is not known, but what is known is that he came back to Sri Kotha around midnight and saw Mr.Wickremasinghe around midnight and after speaking to him "left Sri Kotha and disappeared into the darkness", according to "The Sunday Times" (16.2.97).

As the news about the MP's killing spread, violence broke out in the Ratnapura district where Ellawala was reported to be very popular. Hundreds of police reinforcements were rushed to the area to disperse angry crowds who had taken to the streets. Supporters of the deceased MP and the ruling PA are reported to have resorted to violent attacks on known UNP supporters and set fire to many properties including the homes of Punchinilame and Ratnatilleke. As the police could not contain the spreading violence, the army personnel were also called in.

"The reaction in the aftermath of the killing was violence and anger," said Vasudeva Nanayakkara, Ellawala's friend and colleague in parliament in the ruling People's Alliance. "But we're appealing to the people to be calm and urging them to use their emotions to vote against this violent gun culture in the upcoming election," Nanayakkara told pressmen.

The police enforced an indefinite curfew in the town of Ratnapura and adjoin-

ing areas to stop the political violence. The police are reported to have fired tear gas and rubber bullets at between 10 and 15-thousand demonstrators protesting against the MP's killing after a petrol station was set on fire. During the riots, police said mobs set fire to scores of shops and buildings, most of them owned by relatives or supporters of the two suspects.

The UNP leader, Ranil Wickremasinghe urged police to conduct an impartial inquiry into the killing and pave the way for free and fair elections. Wickremasinghe said he had telephoned Punchinilame soon after the incident and told him to seek the advice of lawyers. He said he had no contact with him since. "Any UNP member found guilty in this incident will be expelled from the party," Wickremasinghe told a news conference on 13 February. "We condemn these killings," he said. "Let the guilty be punished. There's been too much violence in this country. The UNP has denounced the culture of political violence."

The police took into custody on 14 February the brother of the former UNP Mayor and nine others in connection with the killing and the shooting incident. Police sources in Ratnapura said those arrested were junior UNP activists involved in election campaign disturbances before the shooting.

It has also been reported that the police have launched a special investigation to find out as to who released a police jeep to the UNP MP Punchinilame soon after the shooting incident to escape from the scene of the crime and thereby enabling him to go into hiding.

According to police sources after the shooting, the MP had gone to the Eheliyagoda police station where his official bodyguard identified as a serving police sergeant attached to the Ratnapura police had made an entry at the Eheliyagoda police station the police jeep leaving the UNP MP's vehicle parked at the station. The policemen had falsely said in his entry that the MP's vehicle had been damaged in a shooting incident and that there was a possible threat to the MP's life. He also had said that the MP's other vehicles were being used for taking some of the wounded to the hospital and that he need a police vehicle to take the remaining injured to the hospital. Since that day the police sergeant had not reported for duty.

Police sources said that by obtaining the police jeep deceitfully and travelling in it, the suspects who were wanted by the police in connection with the assassination of the MP got past every police check point without let or hindrance. ❑

New Army Offensive in the North

Government troops, backed by tanks, artillery and air support, on 3 February launched their biggest offensive, codenamed "Edibala" (brave force) so far this year against LTTE positions advancing from Vavuniya in the direction of the north-western coastal town of Mannar.

The aim of this operation appears to be prevent the recapture of the strategic town of Kilinochchi by the LTTE. In the past weeks, the army sources claimed, intelligence reports had confirmed that the LTTE was building permanent bunkers and making other preparations to entrench themselves in the areas immediately north of Vavuniya. The LTTE objective appeared to be to prevent security forces from advancing northwards from Vavuniya. The LTTE was in desperate need of a suitable place to re-establish their headquarters and control of Kilinochchi critical to them for this reason, the sources added.

Some analysts said the objective could be secure the hold on Kilinochchi as part of an effort to open a supply route to the Jaffna peninsula and ultimately link Colombo with the entire northern part of the island. Other analysts view this objective as too ambitious and impossible of achievement by a relatively small army which is spread too thinly on the ground.

The LTTE's official journal in Tamil Eelam has spelled out the future course of the Tamil people's struggle against Sri Lankan occupation. The latest issue of "Viduthalai Puligal" says LTTE fighters are at this moment strategically placed to meet the oncoming Sinhala army in what it announces will be a tremendous clash. The paper outlines Sri Lanka's military plan to cut a land-route all the way from Colombo to Jaffna, for which it has to push its way through LTTE-held Vanni. The government's plan is to eventually claim the whole island as Sri Lankan territory thereby undermining the territorial integrity of the northeast Tamil nation. But the military's proposed link-up of Colombo and Jaffna, the journal says, will be time-consuming as each successive stage requires a consolidation of troops after capturing intervening territory. This will leave the stretched-out Sinhala army extremely vulnerable while highly-motivated LTTE fighters are poised in massive numbers ready to attack the occupying forces with full force at every turn.

Troops pushed deeper into LTTE-held northern territory on after advancing some nine km (six miles) virtually unopposed over two days, a military spokesman claimed on 6 February. The forces had reached Madhu junction, where the road turns towards a Christian shrine. "The area between the junction and Madhu is dotted with rebel bases and training camps," one said. On the previous day, the Defence Ministry said the LTTE had abandoned two camps in the path of the offensive, which is led by elite commando and air-mobile units.

The LTTE said an air force Pucara ground attack aircraft fired three missiles at civilians in rebel-held areas near the strategic town of Kilinochchi causing casualties.

As the army offensive continued, a statement by the LTTE on 6 February said that the village of Chettikulam was under heavy fire from Sri Lankan forces who were conducting their latest military offensive in the north. A 20,000 strong Sri Lankan force which set off from Vavuniya on 4 February was ceaselessly pounding Chettikulam (west of Vavuniya). Early reports suggested that there was a significant civilian death-toll with local families taken by surprise and young and old completely disorientated. But the aerial raids continue unabated. Other nearby villages were also hit, the statement added.

The LTTE in a statement on 8 February reported an exodus of refugees from villages in the path of the army's latest offensive. "Another humanitarian crisis is looming as Sri Lankan forces shell and aerial-bomb Tamil border villages on the edges of Vavuniya and Mannar districts in their latest offensive. Heavy artillery fire is raining down on a number of villages causing civilians to flee in massive waves. Many people are unsure where exactly to escape to since the direction of the offensive is not clear. At the moment there is shelling in various directions aimed deliberately at driving the population away in order that the army can occupy more territory. There is little or no LTTE presence in the targeted areas. Meanwhile, many shaken Tamil people have arrived at the Madhu refugee camp which is run by the UNHCR, but this place is now over crowded. Many newly-arriving displaced people are now sheltering beneath trees on the road, notably in the area of Iranai Illupaikulam. Meanwhile, the villages of Kannaddy, Kanesapuram, Periathampanai, Pandivirichan, Madhu road and Poovilunthan have become totally deserted. The last-arriving residents said the trees have all collapsed and the houses are burning."

About 7,000 people have moved into refugee camps in nearby Madhu town following army offensive, said Peter Meijer of the U.N. refugee agency. "With the new arrivals, the numbers (in the camps) have doubled, but we don't have any problems

with food and shelter," he said in a telephone interview.

The troops were consolidating their positions in the north-western Mannar region, an army spokesman said. Troops, led by elite special forces and airmobile units, had advanced 22 km (14 miles) west of the front-line town of Vavuniya, 220 km (135 miles) north of Colombo, he said.

On 8 and 9 February, using long-range guns, presumably captured from the army in previous battles, the Tigers launched artillery attacks for the first time on the government controlled town of Vavuniya. Two policemen were killed and four others injured when their barracks in the Vavuniya town received a direct hit by shells fired by the LTTE. Government forces immediately responded to the LTTE battery with repeated attacks by helicopters and air force bombers on alleged LTTE positions. Soon after the attack, residents said they heard aircraft bombing rebel positions north of the town. Military intelligence is reported to have indicated that the LTTE artillery attacks were directed from a distance of 10-12 miles north of Vavuniya town.

An agency report said: The artillery barrage started in the early hours of Saturday (8/2) morning. Officials in Vavuniya say they counted a total of 22 shells exploding in the town over the space of just half an hour. Aid workers at the scene say the civilian population, which is mainly Tamil, was sent into panic. Many are reported to have been given shelter in military bunkers inside the heavily fortified town but observers say the security forces in Vavuniya may have been the intended target.

The army also claimed that at least 10 rebels were believed killed when navy patrols and aircraft blew up two LTTE boats fitted with radar near Iranaitivu island in the waters north of Mannar soon after midnight on 8 February.

A statement from the LTTE on 12 February said, "Sri Lanka's 'Operation Edibala' is continuing with troops setting fire to Tamil crops as they advance. So far, a string of Tamil villages between Vavuniya and Mannar have been occupied. Soldiers descended on these villages like swarms of locusts sending residents running in terror as their homes were bombed and bulldozed. Acres of rice fields have been purposely scorched during the assault in what is becoming a more and more typical military tactic. While enforcing a food blockade to Tamil areas, Sri Lanka is systematically wiping out Tamils' own attempts at cultivation. The airforce, meanwhile, is targeting houses and public buildings making it difficult for civilians to return to their lives. Around 10,000 displaced Tamils are already crammed into Madhu Church refugee camp. Other displaced civilians have sought safety in the town of Iranai Illupaikulam." ❑

Local Elections - Test of Strength Amidst Violence

Elections, whether general or local, are taken very seriously by both politicians and people in Sri Lanka which has one of the most politicised electorates in the world. And since 1977, elections have been marked by increasing pre-election and post-election violence. Rival supporters, often with the backing of leaders of the parties, engage in violent attacks on each other sometimes leading deaths.

Recently the government announced that elections for the island's various tiers of local government bodies would be held by the end of March for which nominations were called 12 February. As election fever gripped the country, violence has already erupted. On 11 February one young Member of Parliament belonging to the ruling Peoples Alliance has been shot dead and another seriously injured by supporters of the opposition United National Party(UNP). The attack was led by an MP and a former Mayor of a Municipal Council, both belonging to UNP, who have gone into hiding. In the meantime, supporters of the deceased MP and ruling PA have gone on a violent rampage setting fire to the homes of the fugitive MP and other UNP supporters in the area. In spite of a night-time curfew has been imposed and troops have been called out by the government to contain the violence, there appears to be no sign of it being arrested.

The election, which was originally due to be held in June 1995 and repeatedly postponed for security reasons, for the control of the local bodies in the seven provinces of the south of the island is seen as a test of political strength and popularity between the ruling PA government led by President Kumaratunga and the opposition UNP led by former Prime Minister Ranil Wickremasinghe.

After 17 years of UNP rule, the Peoples Alliance came to power in August 1994 and Chandrika Kumaratunga was elected President November 1994 with an unprecedented 62 per cent of the popular vote. The forthcoming local elections will represent the first test of the government's popularity, and the its leaders would be keen to demonstrate the people's support is still with them by achieving a convincing victory at the poll. And at the same time the opposition would want to show that the government does no longer has the popular mandate. The UNP, in spite of its defeat in the general and presidential elections, still controls more than 75 percent of local government bodies.

237 local government bodies were at midnight on January 27 and elections for which were scheduled for March 27. The dissolved bodies have been placed under Divisional Secretaries until elections are held. The tradition in Sri Lanka has been for the local councils to function until new elected councils assume office. This is the first time local bodies have been dissolved anticipating elections.

The government appears to have resorted to this unprecedented move for the reason that out of 237 dissolved councils, 192 have been under the control of the opposition UNP. It looks as if the Government wanted to pre-empt the possibility of the UNP using the resources available at local bodies under its administration for to run its electoral campaign if it had remained in office until the elections.

Nominations for the local government elections which commenced on 5 February closed on 12 February. Already five registered political parties and 52 independent groups have submitted nominations. Elections will take place on 21 March.

A total of 198 Village Councils, 31 Urban Councils and 12 Municipal Councils will be up for voting. According to the office of the Commissioner of Election, 3,567 representative will be elected and 9,737,958 persons will be eligible voters.

Election for the local bodies in the northern and eastern provinces are not being held. The government has already scrapped its plans to hold the election in the north and east after moderate Tamil political parties said the region was not conducive for a free and fair poll. But Tamil political parties, except the LTTE, are expected to back the government party in the forthcoming election because they believe that a convincing victory for it would represent an endorsement of the government's devolution package which the UNP appears to be reluctant to support. "But we're rooting for the government in this election," said Mavai Senathiraja, an MP for the Tamil United Liberation Front, a moderate Tamil party with five seats in Sri Lanka's 225-member parliament. "If they win, it is a clear sign that the people approve of the government and its policies," Senathiraja said.

The government needs the people's approval if it is to get a peace plan it has proposed aimed at ending the war passed through parliament and then at a referendum. The peace plan, involving the devolution wide-ranging powers to Tamils of

the north-east through a constitutional revision, is currently being debated by a parliamentary select committee. Tamil parties support the plan, but the UNP, whose votes are needed to get it passed through parliament, has yet to say where it stands. "The government winning this election would send a message to the UNP. They would have less reason not to support the plan," Senathiraja said.

Following ex-Mayor K Ganeshalingam's defection from the UNP, it was confirmed that the PA would not put forward a list for the Colombo Municipality but would instead field a list of independent candidates headed by Mr. Ganeshalingam.

The election for the capital city's Colombo Municipal Council has aroused special interest following the resignation of Mayor K.Ganeshalingam who recently resigned from the main opposition United National Party(UNP) and is to contesting as head of an independent group supported by the ruling People's Alliance (PA). The defection of Ganeshalingam who until his resignation was the Treasurer of the party is seen as a major blow for the UNP. Besides, six former UNP Councillors have joined Ganeshalingam's independent group. The UNP's candidate for Colombo's Mayor against Ganeshalingam is the party's Chairman Karu Jayasuriya. Seven political parties and seven independent groups are contesting in the election for the Colombo Municipal Council.

The DUNF headed by Srimani Athulathmudali will contest independently, but not under the 'Rajaliya'(eagle) symbol. The CWC headed by Minister S.Thondaman will contest under the PA symbol, the chair, while the faction led by Mr. S. Sellasamy ,which contests under the symbol of the cockerel, will also extend its support to the PA. This alignment would favour the PA for a majority of the votes in the plantation sector. The SLMC will also contest the local government elections on the PA lists.

The assassination of Ellawala and the accompanying outbreak of violence has raised the question whether a peaceful and orderly election will take place in spite of the fact party leaders on both sides have called for restraint.

"I appeal to all sections of the community not to be disturbed by this incident and make every effort to have a peaceful poll," Media Minister Dharmasiri Senanayake said in a statement.

MPs of the ruling People's Alliance blamed the UNP for the latest political killing and riots, saying the party had failed to get out of the "culture of violence" which it had nurtured during 17 years in power.

However UNP members hit back at the ruling Alliance, saying it was blowing killing out of proportion to win sympathy ahead of local elections. "Now we would like to leave the matter up to police and courts and carry on with a peaceful election," senior UNP MP Karunasena Kodituwakku told the press.

In an apparent effort to minimise the political damage resulting from involvement of one of its MP and a former Mayor, the UNP's working committee said it had suspended the party memberships of Punchinilame and Ratnatilleke on 14 February after party leader Wickremesinghe called on the two suspects to turn themselves in.

Whatever the UNP leaders may say, political analysts in Colombo are of the view that the party is still perceived as being afflicted with the culture of political violence it nurtured and introduced and entrenched into the body politic of the country during its long tenure, and the assassination of Nalanda Ellawala carried out in the way it was done in broad daylight has demonstrated that the UNP is still a party of political violence.

As a regular columnist of "The Sunday Leader" (16.2.97), Paikiasothy Saravanamuttu wrote, "Two prominent UNPers in Ratnapura are the key suspects in the murder investigation. They are in hiding and have yet to heed their party leader's advice to give themselves up to the police. One of them, Susantha Punchinilame is a UNP MP who had a case against him when he was fielded as a candidate in the 1994 election. Punchinilame, according to some reports, has a penchant for violence that could make any number of vicious thugs blush. Eye witness accounts of Punchinilame's direct involvement in the slaying of Nalanda Ellawala must surely confirm that this is a sick individual who should not be in the principal opposition party of this country. What will Opposition Leader Ranil Wickremasinghe and the rest of the UNP leadership do? ...The UNP has an image problem on this score and what has happened only compounds it."

In the runup to the elections, a number of non-governmental organisations have already begun working out programmes to monitor the elections, with a special focus on eliminating violence and unfair practices before, during and after the elections. While the People's Alliance for Free and Fair Elections (PAFREL) and the Movement for Free and Fair Elections (MFFE) are already discussing strategies for collaboration in this work, the Free Media Movement has announced its own programme in this connection. A group of journalists and media persons will monitor events during the period of nomination and campaigning. This group plans to call a press conference, two days prior to the date of the election, where they intend to reveal any malpractices they may have observed. The FMM also says it will publicise the identities of persons implicated in any such malpractices and issue a call to voters to boycott these candidates. ❑

Arrests in Tamil Nadu of "Procurers for LTTE"

Five persons, including an alleged LTTE member and four other Tamils of Sri Lankan origin were taken into custody on charges of committing offences under the Unlawful Activities (prevention) Act by the Tamil Nadu police on 8 February for allegedly conspiring to smuggle out medicines and other goods from India to north-east Sri Lanka for use by the Tamil Tigers.

According to a spokesman of the Tamil Nadu police, the alleged LTTE member Pandian alias Muralidharan tried to swallow a cyanide pill when police barged into the flat in Alwarpet in central Madras on receiving a tip-off that "a group of LTTE activists" was holding a meeting there. The policeman forced the pill out of his mouth and took him to the hospital where his condition is reported to be stable.

One of those arrested was Mrs. Malini Devi Rasanayagam who had arrived from Australia and was staying in the flat. It was claimed that she was of Sri Lankan origin and a lobbyist for the Australian Federation of Tamils and had obtained Australian citizenship after emigrating there some years ago.

The others arrested were M.K.Eelaventhan, the Secretary of the Tamil Eelam Liberation Front, and Sachchithananthan, a businessman engaged in publishing books, and Dr. Sridharan all of whom are of Sri Lankan Tamils.

The arrested persons were expected to be produced before the Madras Metropolitan Magistrate Court on 15 February for the hearing of bail applications filed by the arrested persons.

In his application, Mr.Sachchithananthan has said that he had been having the status of a Non-Resident-Indian (NRI) residing in Madras for many years and printing religious books, and that he had known Mrs. Malini Devi, who was from Australia, and had paid a courtesy call to her apartment as they were old friends.

All the persons in custody claim that they are innocent and deny any connection with any Tamil militant group including the LTTE, but admit that they were interested in the general welfare of Sri Lankan Tamils. ❑

Commission Implicates Premadasa and Ranjan in Vijaya's Assassination

The release of the findings of the judicial Commission into the assassination of Vijaya Kumaratunga commission has put the UNP in a difficult position. The findings implicate the former President R.Premadasa and his Defence Minister Ranjan Wijeratne for the murder and the subsequent cover-up of the investigation.

The report was officially released in the last week of January. The Commissioners, Supreme Court Justice P. Ramanathan, Supreme Court Justice Sarath Nanda Silva and High Court judge D. Jayawickrema submitted their report to President Chandrika Kumaratunge last year and it has been tabled as a Sessional Paper in Parliament in February 1996.

A popular actor turned politician to lead the United Socialist Alliance, Vijaya Kumaratunga was gunned down in front of his wife and two children by two men on a motorcycle at his residence in a Colombo suburb on 16 February 1988, just days before he was to be nominated by the Alliance to run for the presidential election later that year on a broad left ticket.

UNP leader Ranil Wickremasinghe has so far avoided comment saying that the party would comment on the report after studying it closely. "We are reserving comment until we have all the facts," adding "It looks to me like the mud-slinging has begun all over again."

Wickremasinghe who was a Minister in President Premadasa's cabinet himself is being investigated by a Presidential Commission which is probing into the disappearances of thousands of youth during previous regime.

President Kumaratunga, who came to power promising to end state-sponsored terrorism, has time and again accused the UNP of blatant human rights violations and of killing political opponents. On 31 January she said the UNP's "reign of state terror was ended within 24 hours" after she came to power.

The Commission's 85-page report states: "Former President Ranasinghe Premadasa is implicated by evidence of a motive for the assassination of Vijaya Kumaratunga. He is also implicated by circumstantial evidence of the suppression of the investigation into the assassination." "It was suggested that the motive for the assassination of Vijaya Kumaratunga was that he became a formidable rival to Prime Minister Premadasa at the presidential stakes," the report says.

The report adds: "Former Minister of State for Defense Ranjan Wijeratne illegally and improperly interfered in the conduct of the investigation. He is also implicated by circumstantial evidence of suppression of the investigation. There is no evidence of motive against him."

"The totality of the evidence stated above, in our view, establishes a prima facie case against President Ranasinghe Premadasa and Minister Ranjan Wijerante, as to their indirect involvement in the assassination of Vijaya Kumaratunga," the report said.

Ranjan Wijeratne and Premadasa were killed March 1991 and May 1993 respectively allegedly by LTTE suicide bombers.

Another figure also named in the report is Gamini Lokage, a prominent Member of Parliament of the UNP. A number of senior police officials also have been implicated in the cover-up of the investigation.

The daughter of former president Premadasa on 4 February denied her father was involved in the 1988 assassination of Vijaya Kumaratunga. "No amount of commission reports, insinuations or innuendoes can ever tarnish... the good name and character of my father," Dulanjalee Jayakody said in a statement.

Jayakody, denying her father had any motive to have Vijaya Kumaratunga out of the way, said her father was nominated UNP presidential candidate eight months after the assassination. ❑

Politics of Buddhism

A major dispute has arisen between the PA government and some leading Buddhist prelates. In early January, nine Chief Monks - Mahanayakas - resigned from the Supreme Advisory Council on Buddhist Affairs.

The monks assert that the PA government's refusal to pay heed to their advice on matters religious as well as political has led them to take this unprecedented step. Though the government has not publicly commented on these resignations, several leading monks have denounced this move suggesting that the resignation was politically motivated.

The Supreme Advisory Council on Buddhist Affairs is not a constitutional body. It was first set up by former President J.R. Jayawardene, when he established, under him, the Ministry of Buddhist Affairs. All successive Presidents, including Chandrika Kumaratunge, have continued with the Council, declaring solemnly that they were committed to honour the advice of the Sangha on matters religious and political.

A notable trend in this controversy is the deep political schism developing within Sri Lanka's Sangha (clergy) Society. The political alignment of the Mahana- yakas with the opposition United National Party has created the impression that the official Buddhist religious leaders have decided to move in opposition to the PA government. Several leading monks have argued that the intention of the Mahanayakas must have been to embarrass President Kumaratunge and her government.

The mainstream Sinhala press in recent weeks has highlighted statements made by some other leading monks, which are unprecedentedly critical of theresignation move by the official Sangha leaders. An article in the Sunday Lankadeepa of January 26 quotes the Rev. Prof. Attanagala Ratanapala, Principal of the Training Institute for Buddhist Monks in Anuradhapura, as saying that the Mahanayakas could have served the cause of Buddhism better had they had the courage to resign from their positions in the religious hierarchy as well.

Sri Lankan Sangha society has never been a monolithic entity; it has had internal sectarian divisions for over centuries. Nevertheless, their role, particularly after independence, has been a major factor in electoral as well as ethnic politics.

In recent years the most vocal sections of the Buddhist clergy have been radically opposed to any settlement to the ethnic question, other than a military one. Although quite a large number of Buddhist monks are very unlikely to share this militant stand, their voice has remained a rather ineffective one.

One outcome of the present controversy may perhaps be a change in this equation. A number of scholar monks have been indicating the urgent need for a peace-oriented intervention. Young activist monks, involved in grass-roots level peace campaigns, are also looking for a leadership alternative to the traditional one.

Meanwhile, Prof. G.L.Peiris' efforts to pacify the leading Buddhist monks' opposition to the devolution package have only made them harden their position. As a measure to win them over, he incorporated the institution of the Supreme Sangha Council into draft constitutional proposals. Evidently, this has not worked the way Professor Pieris wanted it to.

Perhaps, it is now time to return to the principles of a secular constitution.❑

(Courtesy of Sri Lanka Net)

The Passing Away of Pieter Keuneman

Pieter Keuneman, the veteran leader of the Communist Party in Sri Lanka, passed away on 23 January after a brief illness at the age of 80. Pieter was born on 3 October 1917 as the eldest son of Supreme Court Judge A.E.Keuneman. He was a brilliant student at Royal College in Colombo winning the prize for the Most Distinguished Student. He was also the editor of the Royal College Magazine and was reprimanded by the Principal for having contributed an article in respect of the then (1930s) anti-imperialist Suriya Mal Movement.

After completing his studies in Colombo, he proceeded to the UK where he joined the Pembroke College of the Cambridge University and graduated in history, philosophy and politics and obtained his MA(Cantab) and did his law at Grays Inn. He was President of the Cambridge Union and editor of the Cambridge Union Magazine, Granta.

In London, he worked along with Krishna Menon in the "Quit India" movement. After returning to Sri Lanka in 1940 he did not practise his profession as a Barrister, but joined communist stalwarts like Dr.S.A.-Wickremasinghe, A.Vaithilingam, P.Kandiah and M.G.Mendis who had by that time left the LSSP on ideological grounds. He was a founder member of the United Socialist Party which transformed itself into the Ceylon Communist Party in 1943.

Pieter worked at Lake House as Features Editor of the Observer and Editorial Assistant to H.A.J.Hulugalle, the then editor of the Daily News. His journalistic career was short-lived as he resigned to engage in full-time political work for the Communist Party.

He was elected to the Kotahena West ward of the Colombo Municipal Council in 1947. In the same year, he was elected Member of Parliament from the multi-member Colombo Central electorate. As a parliamentarian he was one of the most brilliant and lucid speakers and commanded the respect of even his opponents. He was an MP for a continuous period of three decades, 1947 to 1977.

He was an active trade union leader having occupied the presidency of the Ceylon Federation of Labour participating in all struggles of the working class movement, including the 1947 general strike and the famous August 1953 Hartal.

Pieter was a theoretician par-excellence holding the post of General Secretary of the Ceylon Communist Party for over three decades, and becoming its President after the demise of the founder President Dr.S.A.Wickremasinghe.

Pieter's recorded speeches in parliament during his long career are a testimonial which demonstrate him as a true internationalist standing for the unity of the working people irrespective of racial, ethnic, religious, linguistic or other differences and fighting against chauvinism in whatever form it manifested. ❑

Gujral's Visit to Colombo Marks Improvement in Indo-Lanka Relations

Sri Lankan analysts say that the recent four-day visit to Colombo by the Indian Minister, Inder Kumar Gujral, has had the effect of further cementing the already good relations that exist between the two countries.

At the end of the visit, the Indian Foreign Minister signed aid agreements and announced his country's plans to lift tariffs on some Sri Lankan exports to India describing them as a small step towards free trade in south Asia. Indian and Sri Lankan officials say the measures will improve trade and diplomatic relations between the two countries.

Under the agreements, India would soon remove quotas and cut tariffs on 70 to 80 Sri Lankan export items. For many years, Colombo has been trying to get India to remove quantitative restrictions on exports, especially agricultural products like rubber, cloves and cinnamon, and consumer goods such as ceramics and confectionery.

The agreements also provided for a deal giving Sri Lanka 30 million dollars in credit for Indian goods. Aid also was on the agenda. A grant of nearly one-and-a-half million dollars was also announced which will go to help resettle Tamils displaced in island's ethnic civil war.

Relations between the two countries have improved steadily from a low in 1990, when India was forced to abandon its disastrous military intervention in the Sri Lankan conflict. When the previous president R.Premadasa began negotiations with the Tamil Tigers, he acceded to the latter's demand to compel the departure of the Indian Peace Keeping Force (IPKF) which had arrived in the island following an agreement between former Prime Minister Rajiv Gandhi and former President J.R.Jayawardene. Until Premadasa remained President, relations between the two neighbours remained at a very low ebb.

Under Foreign Minister Gujral, analysts are of the view that there has been a more general shift in Indian foreign policy of less interventionist and non-hegemonic and more friendly in favour of its smaller neighbours. Under what has come to be described as the "Gujral Doctrine", India has reached separate agreements in recent months with Bangladesh and Nepal over supplies of river water, putting an end to years of diplomatic tension.

Bilaterally and internationally, there appears to be no doubt that New Delhi is giving its maximum diplomatic support to President Chandrika Kumaratunga's government.

India, 10 years ago, sent troops to Sri Lanka in an abortive bid to end the island's protracted conflict, but in the end, having suffered an approximately 5,000 casualties, was forced to depart blamed by both the country's majority Sinhalese and the Tamils. "It was a thankless and expensive adventure which India would not like to ever repeat," an Indian High Commission official said in Colombo.

The Indian Foreign Minister, while in Colombo, quashed recent press speculation that India would mediate in the conflict between the government and the LTTE saying the matter was an internal Sri Lankan problem. He said, "We are committed to a policy of good neighbourliness and non-interference in Sri Lanka's affairs," adding that India would do anything it could to help bring the conflict to a close. "India support- ed a peaceful settlement of the conflict and it is ready to provide Sri Lanka any help she could give," Gujral told a news conference in Colombo.

Colombo appears to be well pleased with the outcome of Gujral's visit. Sri Lankan Foreign Minister Lakshman Kadirgamar, while stressing that the government had not asked for military aid from India in its fight with the Tamil Tigers, said "This meeting has marked an historic and almost dramatic enhancement of relations between the two countries." Kadirgamar added that the two countries and the government of the south Indian state of Tamil Nadu would maintain close co-operation and dialogue to sort out any problems.

Announcing that the ban placed small vessels from South India calling at the Colombo port had been lifted on 4 January, Mr.Kadirgamar also said that an Indian delegation will arrive in Sri Lanka soon to discuss alternative ports of call for small Indian vessels from southern India's Tuticorin. The port of Colombo, citing security reasons, last month banned the entry of Indian vessels below 3,000 tonnes. The ban mainly affected vessels from Tuticorin, which were diverted to the southern Sri Lankan port of Galle. Sri Lankan navy officials said the ban was imposed because of intelligence that Tigers could attack the port, using Tuticorin vessels as cover. The Tigers staged an abortive suicide attack on Colombo port in April 1996.

Political analysts in Colombo detected a considerable shift in the opinions expressed in the editorial columns of the print media in Colombo, which by and large do not hesitate indulging in New Delhi bashing as their stock-in-trade, advocating a "Indo-Sri Lanka friendship treaty". ❑

Charge Against TV Station Dropped

The Sri Lankan government on 31 January announced that it would drop charges against a privately-run television station in a controversy over media coverage of an alleged military encounter between government forces and the LTTE in the east of the island.

Minister of Information, Media and Tourism, Dharmasiri Senanayake, told a news conference that President Chandrika Kumaratunga had instructed the police to withdraw legal action under the Prevention of Terrorism Act against a director of the private TNL network, Ms.Ishni Wickremasinghe.

"The president has instructed police not to pursue action (under this Act) and instead has asked me to take appropriate action under authority vested in the media ministry," Senanayake said. He did not say what the action would be, but local media officials said he would most probably issue a reprimand.

Kumaratunga told the news conference that her government would take some sort of action against journalists reporting false news. "I do believe that action must be taken against this kind of utterly and completely irresponsible journalism," she said.

Child Pornography

Eleven orphaned girls have been taken into the custody by the police and placed into care after allegations that they were forced to appear in pornographic videos, a recent report from Colombo said.

The videos of the girls, between the ages of 6 and 13, were intended for sale abroad, and island's the Inspector of General of Police directed an investigation into the allegation.

Police arrested the director of the Vijitha Children's orphanage in Beruwala, 30 miles from the capitol Colombo, and which is funded by the All Ceylon Buddhist Congress (ACBC) and the manager of a hotel in this southern tourist resort city that reportedly was used as the venue for the videos.

It was also reported that an examination of an eight-year-old girl who was involved in the child abuse case had been admitted to the Kalutara Base Hospital had shown that she was a victim of venereal desease.

A Magistrate in the south-west town of Kalutara directed the CID to obtain the assistance of Interpol to investigate and recover a video film taken in Sri Lanka using the children at the orphanage and removed to Germany.

A lawyer appearing for Amaranath S Maha Waduge, the suspect in the case, that he has consented to hand over to the police two valuable files pertaining to the orphanage and the copy of the video film of a tour in a boat with children in the home.

Over 300 Sri Lankans Detained In Malaysia

Over 300 Sri Lankans have been detained in Malaysia, Foreign Ministry sources said on 6 February. The sources said that Sri Lanka's mission in Kuala Lumpur informed the Ministry of the detention of 90 Sri Lankans.

But, the sources said the Foreign Ministry estimates that the actual figure is likely to be more than 300. Most of them are employed in Malaysia illegally.

Malaysia does not permit employment of Sri Lankan workers. It allows workers only from Pakistan, Bangladesh and Myanmar. However, the employment agencies in Colombo continue to advertise jobs in Malaysia and charging Rs 100,000 (1,750 U.S. dollars) from each applicant to send them across by boat.

Recently the Malaysian government tightened up it laws to prevent employment of illegal immigrants which provided for heavy penalties. In Malaysia, a penalty of 3,500 U.S. dollars is imposed on illegal immigrants, said the sources, adding that The Sri Lankan government is negotiating to bring them back without any penalty.

Woman Commits Suicide

A 24 year old woman committed suicide by biting into a cyanide capsule when

the trishaw she was travelling in was stopped by Police in Slave Island in

Colombo on January 31, according to reports from Colombo. Police investigations revealed that the woman was carrying a forged Identity Card. She was later identified as 'Madhie' from Kilinochchi, and Police discovered a large consignment of medicines in a house in the Bambalapitiya area which she had visited shortly before. Police sources said a number of vital documents had been recovered from her possession. Several others have been taken into custody following her death. The four Policemen who apprehended her have already received their awards.

Soldier Charged with Rape

A soldier was remanded in Batticaloa on February 1, on charges of raping 3 women in Valaichchenai on January 9. The three women, Navamany(33), Mekhala(14) and Jeyanthimathy(21) identified him in a parade held at the Magistrate's Court in Batticaloa. In early January, 3 members of the STF were remanded in connection with the rape of a woman in Mandur, also in the Eastern Province.

IN BRIEF

SLBC GIVES IN ON TAMIL BORADCASTS : In the face widespread protests, the Sri Lanka Broadcasting Corporation has revoked the decision to cut the Tamil language commercial service by four hours. From 23 January, the SLBC terminated its Tamil programmes in its Commercial Service at 6 pm and replaced it with four hours of multi-lingual sports coverage. Protests from Tamil parties followed complaining that the cut was an act of discrimination. In response, the Corporation assured that there was no intention of discriminating against Tamils, and that the SLBC's sole aim was to earn more revenue from commercial sports programmes at peak time. It was pointed out that the SLBC had even reduced Sinhala transmissions because of technical and financial problems. However, the full Tamil language transmission in the commercial service would be resumed in full in difference to representations made by Tamil listeners and groups.

LTTE OVERRUNS MINI-CAMP: Over 23 Sri Lankan military and police personnel were killed and 20 others severely injured when the LTTE on 18 January attacked a mini-camp in Kepittikolawa (Anuradhapura district). The LTTE was in complete control of the Kalugaswewe camp for more than 90 minutes during which time they captured a large haul of arms and ammunition after which the whole camp was destroyed. The captured items include many light machine guns, rifles, shells and mortars. Six LTTE fighters died in the attack, the LTTE said in a statement.

TRIAL-AT-BAR FOR RAPE AND MURDER : The Chief Justice in Sri Lanka is to direct a Trial-at-Bar, which means a trial without a jury, comprising three High Court judges to try the case into the rape and murder of 18-year-old girl, Krishanthi Kumaraswamy and the murder of her 51-year-old mother, brother and neighbour. The four were killed and their mutilated bodies were dumped in an abandoned cemetery in army controlled Jaffna in northern Sri Lanka.

PLANES CRASH: The Sri Lankan airforce suffered a big blow when three of its aircraft crashed within matter of few days. Though initially it was suspected that the LTTE could have shot the planes down, it was later confirmed that the three planes crashed due to mechanical failure.

An unmanned spy plane has crashed in Tamil Vanni territory. The aircraft which was equipped with the latest radar and photo technology came down in Pooneryn due to apparent mechanical failure. It had been used ostensibly to gather military information but Sri Lankan forces have nevertheless routinely bombed civilian locations in the vicinity.

(Continued on page 14)

CRISIS IN SRI LANKA: IS THERE A WAY OUT?

DESCENT FROM A MODEL ASIAN DEMOCRACY TO CHRONIC VIOLENT CONFLICT

By Devanesan Nesiah

For many decades, up to the time of national independence, Sri Lanka appeared to be pre-eminent among the countries of Asia, perhaps excluding Japan alone, in respect of social development, economic prospects, and political stability. But it was an illusion as shown by our disastrous record since then, particularly over the last quarter of a century. In terms of some key social indices, we are yet ahead of many of our neighbours but have fallen behind several others. In economic development, we have fared even worse. The few countries which were ahead of us have drawn away and many of those who were behind have overtaken us or seem likely to do so in the not too distant future. But Our biggest failing has been in the political field.

At the time of independence, it appeared that our political institutions were more advanced and better equipped to meet the many challenges of a modern democracy in the second half of the 20th century than those of almost any other country in Asia. But we have since got repeatedly bogged down in a long succession of political disasters. Every attempt to escape from our crisis appears to first bring a glimmer of hope, but then to lead us into a deeper crisis.

By the eighties, the most pessimistic among us had begun to compare our predicament with those of others seemingly caught up in the most hopeless of ethnic problems, such as those in Palestine, Northern Ireland and Cyprus. Today, from our perspective, such a comparison looks unreasonably optimistic. Unlike in those countries, war is continuing in Sri Lanka and not even a stalemate is in sight. In addition to the miseries directly contributed by the violence in our island, there is more misery on account of its very considerable ill effects on socio-economic development and political democracy. The downward spiral is continuing. Is there a way out ?

All of us have surely some hope that, however dismal the immediate prospects may be, the answer, eventually, is yes. If we had no such hope, this paper would not have been written or published, and will not be read. If there is a way out, how can we progress along it?

I will not waste time in tracing the origins of the crisis in Sri Lanka (most of us know the facts well enough) or in apportioning blame for past mistakes. That is history. We do need to look at history. But we can use or misuse it to escalate the conflict, or we can learn from it and use that knowledge and understanding to extricate ourselves from the mess we are all entangled in.

The Futility of War and the Need for a Negotiated Settlement

The first and most important lesson, that our history, especially our recent history, could have taught, if we were willing to learn, is that war does not solve our problems but makes them worse. We need to draw a distinction between rebellion based on the felt grievances of an ethnic group (such as the ongoing LTTE revolt) and that based on class or other conflicts (such as the JVP revolt). In the context of recent events in, and the ancient history of Sri Lanka, without external intervention, revolt of the former kind cannot succeed (since it is inconceivable that the government of Sri Lanka will ever consider division of the country as an option); nor can it be crushed (without first dealing with the political causes of the conflict to the satisfaction of the minorities). In other countries too, since World War 2, very few rebellions based on the felt grievances of large ethnic groups have been crushed without first negotiating a political settlement; in turn, few such rebellions have succeeded without the backing of foreign governments. The only alternative to a negotiated settlement is continued violence with indefinitely prolonged and increasing suffering.

> ❑ ***The only alternative to a negotiated settlement is continued violence with indefinitely prolonged and increasing suffering.***

What could be the parameters of a negotiated solution? Judging our past attempts to find one, there is broad understanding onwnat type of solution we must seek. We need some kind of federal constitution with considerable devolution to the provinces. It is occasions when we worked towards such a goal that we came close to an end to the conflict. Regional autonomy was broadly the basis of the Bandaranayake-Chelvanayakam Pact in 1958, the UNP government's Provincial Council Scheme of which the 13th Amendment to the Constitution was the first step, and recently, what has been called the Package, which is yet alive but in considerable difficulties.

I need to qualify my reference to federalism and regional autonomy. Although one of the objectives is to enable the populations of the North and East to enjoy a substantial measure of self government, the units of devolution need not be engineered to be exclusively mono-ethnic or mono-linguistic. There are in fact benefits in taking advantage of the measure of correlation existing between ethnic identity and the provinces we have historically inherited, and dangers in the redrawing of provincial and district boundaries. Perhaps some adjustments may be found to be necessary but these should be kept to the minimum. In any case these details should emerge from the negotiations and should not be pre-determined.

I need to further clarify that the devolution package sought should not be seen as fixed for all time. A lasting solution does not imply a static one but, rather, reaching a stage from which, in time, further progress can be made. For example, there could, in due course, without compromising the unity and integrity of the State, be a greater degree of devolution or further devolution to sub-units or both. We need to solve our present problems without precluding the options of subsequent generations to solve theirs.

The Need to Evolve a National Political Consensus

Working out a satisfactory solution is not easy. But the even bigger problem is to get it politically accepted. Again, learning from past experience, a solution cannot be unilaterally imposed by any government, however powerful, but needs the backing of a broad national consensus. The B-C Pact negotiated by the then very powerful MEP Government was scuttled by protests initiated by the then weak UNP opposition. The Provincial Council Sch- eme worked out by the then very powerful UNP Government was not supported by either the SLFP, then politically very weak, or by the LTTE, which had no political representation whatever. The scheme nominally survives but has not contributed to solving the crisis. Now, the Package has been rejected by both the UNP and the LTTE. Hopes that it will bring peace are receding. The lesson is clear. At the very least, the SLFP, the UNP and the LTTE must, sooner or later, openly or facity, endorse any proposal if it is to progress and lead to a settlement of the conflict. Negotiating only with those with whom agreement

can be easily reached may be comfortable, but may not end the conflict or lead to an effective and enduring solution.

It may appear that it would be easier to work out a settlement if the LTTE could he eliminated militarily or excluded from the negotiations. But again, judging from our past experience, the former may not be feasible in the near future, and the latter may render the negotiations irrelevant. Other countries have had similar experiences in attempting to avoid dealing with seemingly intractable groups claiming to represent minorities and engaged in violent activity against the State. Examples include the UK in relation to the IRA, and India and Pakistan in relation to several minority ethnic militant groups. Negotiating with such groups need not imply recognising them as the sole representatives of the ethnic groups concerned. In the case of the LTTE, if it refuses to participate at the commencement of the negotiations, at least it should be induced to do so at an early stage. This will be less difficult to achieve if the main opposition party is in the negotiation process and the invitation to the LTTE and the terms of the invitation are endorsed by that party.

It is essential that before the final details are worked out, the leadership of the hill country Tamils and of the Muslims, especially of the North and East, should be brought into the negotiations. Support of the parties of the left, the trade unions and one or two of the other Tamil parties of significant political standing is also necessary to form a consensus or a near consensus. To get the SLFP, the UNP and the LTTE to commence negotiations is the biggest hurdle. Once this hurdle is cleared, as negotiations progress, it is likely that most of the other parties would wish to enter the process.

Dynamic Potential of the Negotiation Process

On the face of it, judging from past experience, it may appear that the common ground, the parameters of the acceptable to the SLFP, the UNP and the LTTE at any point in time, may not be adequate to even launch any meaningful proposal, let alone constitute the basis of a final settlement; that the main Opposition party may not, in any case, find it in its interests to support any settlement proposed by the government and that while the LTTE may, from time to time, be willing to enter into negotiations, it is unlikely to pursue the process to its conclusion, since the LTTE seems to be committed to secession to the exclusion of any kind of federalism. From a static perspective, this does appear to be the case.

But if we understand negotiation as a process which could constantly and, in time, profoundly change the political environment, it may be possible to achieve results which may not appear to be feasible at the commencement of the negotiation process. Parties which entered the negotiations which declared or undeclared reservations and commitments may feel compelled, as the negotiations process, to abandon, gradually, some of their reservations and to revise some of their commitments. Several of the other parties which chose to keep out or were kept out in the early stages may be sucked into the process once it gathers critical momentum. We may observe such developments in other countries, for example in relation to problems in Northern Ireland, Palestine and Bosnia: in these cases the negotiation process has begun but is as yet in the early stages.

Such an exercise has never been falsely undertaken earlier in Sri Lanka. We need to start from scratch, though we would learn from the last. In the past the starting point has been either a government backed package secretly worked out and abruptly brought in as the basis of a settlement or, even worse, the convening of an all party conference with free entry into the negotiation of virtually all including the most disruptive of groups with only marginal political support. The former is likely to provoke and crystallise outright opposition to critical components of the package from key parties excluded from its formulations, and the proposal is then doomed to failure; the latter, the all party conference, inevitably disintegrates under the centrifugal pressures generated by a babel of conflicting demands from a multiplicity of parties uninterested in reaching a settlement.

> ❑ ***We should, instead, see negotiations as a dynamic process designed to incorporate, as early as possible, the parties whose support is critical to any settlement, simultaneously working out the elements of the package maintaining a consensus of those already within the process, and progressively attracting and incorporating parties outside in such a manner that the process is advanced and not disrupted.***

We should, instead, see negotiations as a dynamic process designed to incorporate, as early as possible, the parties whose support is critical to any settlement, simultaneously working out the elements of the package maintaining a consensus of those already within the process, and progressively attracting and incorporating parties outside in such a manner that the process is advanced and not disrupted.

Need for an Effective Implementation Strategy

Even if the agreement has been worked out and the new legislation is in place, there is no guarantee that it will be effectively implemented. The settlement could be subverted by inertia or by sabotage or by a combination of these factors. Who will oversee and ensure effective implementation? In the case of the Provincial Council's Scheme, the Government ministers, secretaries and heads of departments at the centre were, predictably, reluctant to let go the power they had been exercising. In consequence, they interpreted the laws and regulations designed to devolve some of their powers in such a manner that virtually annulled devolution.

In respect of this scheme, a small high powered team committed to effective devolution and charged with authority to interpret the new legislation and to give directions to the ministries and departments in respect of implementation could have made a difference. In the absence of such a body, it is virtually left to individuals in authority in ministries and departments in Colombo to voluntarily relinquish substantial components of their authority to the provinces in terms of the 13th Amendment which contained many ambiguities. It could not have worked, and did not.

A second major problem in respect of the Provincial Council Scheme is that the seven provinces outside the North and the East were dominated by UNP Chief Ministers who were, by and large, political lightweights in relation to the Cabinet Ministers at the Centre. Even if they were motivated to attempt to wrench power due to the Provincial Councils they were unable to do so. If the implementation strategy had included provision for several Cabinet Ministers to resign and take over as Chief Minister in the provinces, the political balance between the centre and the provinces could have tilted in favour of the latter, resulting in more substantial devolution. This would have been even more effective if, together with the Cabinet Ministers, some of the senior Secretaries in Colombo were also transferred to the provinces to take over as Chief Secretaries.

The third major handicap to the Provincial Council Scheme was the exclusion of the SLFP. They boycotted the first round of elections to the new Provincial Councils and had no stake in the effective functioning of any of the Provincial Councils. Had some of the Councils come under their control, they may have been motivated to support rather than oppose devolution. In fact, this was what happened when Provincial Council elections were next held. The SLFP won in some of the provinces and, thereafter, spearheaded the demand for effective devolution. But parliamentary elections quickly followed and the SLFP won those elections as well.

In consequence, most SLFP politicians who were in leadership positions in the provinces moved over to the centre hold office in Colombo. Understandably, having crossed the province-centre divide, most of them no longer champion devolution. In any case, the Provincial Council Scheme is now of little political relevance; in fact, the North-East Council of ministers functioned only very briefly and their powers have since been exercised by the Governor appointed by the President. What little devolution has been achieved is effective only outside the North East.

A fourth critical obstacle to the success of the PC Scheme was that it did not include the LTTE. They were opposed to it, particularly to its effective implementation in the North East. The LTTE violently and effectively sabotaged the working of the NEPC, with at one stage, considerable backing from Colombo. They did not take part in the Provincial Council elections, which they charged, were rigged by the IPKF. If the LTTE had a stake in the effective functioning of the scheme, they would have been motivated to make it work.

This may have required delaying the original NEPC elections, and providing an interim administration for the North East for a specified period with a dominant role for the LTTE in that administration. At the end of that period, elections could have been held under mutually accepted conditions and an elected administration could have taken over from the interim administration. In the event, NEPC elections were held under the umbrella of the IPKF but the exercise turned out to be counter productive. The Provincial Councils, particularly established to meet the demands of the people of the North and East, are functioning everywhere except in the North and East, and the scheme has become discredited.

The objective sought to be achieved should be seen by the principal parties involved as a national goal benefiting the whole population and not as the goal of the government or of an ethnic group. Perhaps this may be facilitated by the establishment at the centre of an interim national government including the principal parties involved. But these details should emerge from the negotiation process which could begin with two or three parties getting together with no more than a skeleton structure of a proposal and working towards an expanding consensus. simultaneously, gradually fleshing out the details including most importantly, the implementation strategy. The emphasis throughout should be on the negotiation process and the negotiation strategy.

Creating the Climate for a Settlement and Facilitating Negotiations

Finally, although I have focused attention on the political process, much can be done outside it. For example the civil rights movement in the USA paved the way for the Civil Rights Act of 1964, the Voting Rights Act of 1965, Affirmative Action, the end of the war in Vietnam and many other advances. There are peace/civil rights movements in Israel and Northern Ireland which have helped to advance civil rights and the prospects for peace. We do not have a significant peace/civil rights movement in Sri Lanka. Such a movement could mobilise the people outside the political arena, and bring political pressure to bear on action within it.

❑ ***Co-operation is needed from all who desire a satisfactory (and peaceful) settlement of the national problem ie, from virtually the entire population. But it is the government which is best placed to take the major initiative and to go furthest to create the climate for such a settlement.***

Co-operation is needed from all who desire a satisfactory (and peaceful) settlement of the national problem ie, from virtually the entire population. But it is the government which is best placed to take the major initiative and to go furthest to create the climate for such a settlement. Tamil is an official language in Sri Lanka in law but, outside the North and East, there is not much evidence that it is so. In consequence, Tamil speaking persons are handicapped in respect of reading signboards, negotiating official businesses, finding Tamil medium technical education and training courses, finding good schooling (especially in the plantation areas) and in many other matters. Even more critically they are acutely discriminated against in recruitment to employment (both public and private sectors), access to housing and in respect of freedom of movement and physical security. It is necessary that they should receive equal treatment and enjoy equal access to the rights and privileges enjoyed by other citizens. Without at least substantial movement towards the elimination of discrimination there can be no progress towards a political settlement.

Before I conclude, I would like to touch on a controversial issue which has surfaced from time to time. Is their a role for a third party in the negotiations? Should any foreign government or international agency or other institution or individual be involved? If so, what type of involvement by what kind of institution or individual? We need not rule out third party mediation or external assistance altogether. It has been helpful in Palestine, Northern Ireland and Bosnia, although some kinds of interventions have aggravated the problems. In Sri Lanka, the initial intervention and mediation of India appeared to set the stage for a settlement, but there were many mistakes made and, in the end, it may have done more harm than good to India, to Sri Lanka, and to relations between India and Sri Lanka. Clear lessons from our experience are, first, then the external party must enjoy and continue to enjoy confidence of all the key parties and, secondly, that the role of the third party must be supportive, not dominating; attempting to impose a solution is likely to be counter productive. The third party may, possibly, need military muscle to enforce agreements; but the introduction of any such enforcement mechanism must be both altruistic and in terms of prior agreements freely entered into by the parties to the conflict. Perhaps we need to be open to, and even explore the possibility of using help from outside in making initial contacts and in promoting negotiations. The near total breakdown of mutual trust between the key parties to the conflict in Sri Lanka have created an environment in which productive negotiations and credible commitments may not be possible without external intervention initially and at critical stages. But such interventions should be low key and always subject to the continued confidence placed in that agency by the key parties. The details of any agreement will have to be worked out by us and cannot be imposed by an external body, however well intentioned.

What are the prospects of achieving a just and workable settlement leading to a lasting peace? Right now the prospects do not look good. The government has a proposed solution which, by and large, contains the essence of a fair settlement, although, I believe, some important changes will be necessary. But the manner in which the solution has been presented have made both its acceptance by consensus and its effective implementation most difficult. It is seen as a solution which the Government is seeking to impose. In particular, the major opposition party and the LTTE have had no hand in its formulation. Moreover, there is a war and acts of terrorism going on. There can be no durable solution worked out in such an environment.

Though shortcomings in the negotiation process leading to the formulation of the proposal may hinder its acceptance for the present it is, in some details, an advance on earlier proposals and has led to open discussion on some of the critical issues. Perhaps it could yet form the basis of a negotiated settlement. But we need to travel a long distance negotiating together, having confidence in ourselves, our negotiating partners and the negotiating partners and the negotiating process that we could and will reach a mutually acceptable destination, the co- ordinates of which we will jointly identify as we progress. ●

THE CHOICE FOR TAMILS

By K.A.Anandan, USA

President Chandrika Kumaratunga has articulated her strategy to solve the Tamil question in her interview with "Frontline" (Tamil Times, October, 1996). Her "War for Peace", she claims is against the LTTE and not Tamils, and its aim to "take over the main population centres now held by the Tigers, after which we would have access to almost all citizens - all normal people - (sic) and make a political settlement with them." There is no place in her strategy for the LTTE, "who will go into the jungles and engage in various types of attacks," and presumably fade away.

The "political settlement" referred to by the President is the "devolution proposal" of the Government. The first version of these proposals was announced in August, 1995. It was subsequently watered down in its January 1996 version, which in turn has been under discussion by a Special Committee of Parliament. The Committee is expected to make its recommendations soon.

President Chandrika Kumaratunga clearly intends to finalise these proposals for approval by parliament and a national referendum in the next few months. In this effort she wants to get the support first of the Colombo-based Tamil parties represented in Parliament and later of Tamil voters in a national referendum.

The Tamils have now to make a fundamental choice - whether to support the President's strategy or not. An attempt is made in this note to analyse this choice as succinctly as possible. The intention is to spark a debate on this question in the Tamil Times and outside.

There are a number of Tamils, apparently including the Tamil parties in Colombo, who believe, in varying degrees, that the president should be supported. A number of reasons are offered. First and foremost is their concern about the extreme suffering of the Tamil population at large, especially in the north east, which needs to be ended. Second is a tacit acceptance that a continuation of the conflict will, over the long term, make the Sinhalese even more intransigent and leave the Tamils further decimated and weaker than at present. A part of this stems from a concern that the international community, and especially India, has been alienated from Tamil cause. Fourth is the strong belief that President Kumaratunga is the Tamil's "best and last hope," and that her devolution proposals offer the maximum that the Sinhala "real politik" will allow. Fifth, but not least, is a range of stated concerns about the LTTE, its authoritarianism, its proclivity for violence, its inflexibility and lack of political maturity, its unacceptability to India - all adding up to a general sense that the LTTE cannot really deliver a solution to the Tamil's travails - at least none better than is now on offer from President Kumaratunga.

The opposite view stems from the conviction that Sinhalese leadership, including President Kumaratunga, will never voluntarily agree to a political settlement which will truly ensure that Tamils will have their own space in Sri Lanka where their physical security, economic welfare and ethnic and cultural identity will be ensured. In this view, Sinhala majoritarianism is driven, on the Tamil issue, by an ideology that Sri Lanka is pre-eminently a Sinhalese Buddhist state. The President whatever her personal views may be has no choice but to work within this framework. They believe that the total control of all branches of the state, and especially the security forces, by Sinhalese is an entrenched and undilutable phenomenon. The Tamil response to this calls for nothing less than a radical power sharing arrangement with Tamil control over their lives. The Government strategy does not deliver this.

This view is shaped by the historical experience, represented by anti-Tamil actions relating to language, education, employment, economic development, the political process, and especially Sinhalese colonisation in the north east. it continues to be nourished by the use of indiscriminate violence by the Sinhalese security forces against the Tamils. Also, in this view, political understandings and agreements reached by Tamils with Sinhalese leadership, including any new devolution proposals, provide no assurance that they will be implemented or will not be negated by a successor government. The issue therefore is not merely one of trust in President Kumaratunge.

This view also rejects the Government's strategy of weakening or eliminating the LTTE militarily and to exclude it from the evolution of a political solution. They believe, that the LTTE is now the only effective protector of Tamil interests and that its elimination would be a disaster for the Tamils. A more pragmatic concern is that any political solution by way of a devolution package that is approved without their participation will not end the conflict or the sufferings of the Tamil people. It would only further complicate a political solution in the future.

Moreover, many protagonists of this view believe that most of the sufferings of the Tamils are the result of the violent and repressive nature of Sinhalese majoritarianism as demonstrated by manner in which the Government is conducting its military operations, including the extensive use of indiscriminate shelling and bombing, torture, disappearances, rapes and the deprivation of food and medicine as weapons of war. The sufferings of the Tamil people will continue as long as there is massive Sinhala military presence in the Tamil areas.

This view also rejects the demonisation of the LTTE, although some do have concerns. It acknowledges the positive aspects of the LTTE experience especially during their administration of the mini state in the north east. They also point to the fact that LTTE has always had to function in an environment of war and economic embargo.

A not much articulated part of this view is the inadequacy of the Government's devolution proposals from the perspective of Tamil concerns outlined above. While the final devolution proposals are still under preparation by the Parliamentary Select Committee, it is generally recognised that its final form will be a much watered down version of the January, 1996 proposals. A good analysis of deficiencies of the 1996 proposals was made by the Tamil information Centre in London in early 1996. In the present context only a few basic points need to be made. First, despite its rather grandiose title of "Union of Regions," power will be concentrated in the centre (ie, the Sinhalese) in critical areas of finance, security and public lands. Second, the whole arrangement could be changed by the central Parliament at any future date without the consent of the Tamils. This is contrary to a core characteristic of federalism, despite claims by some Tamil politicians in Colombo that the proposals offer "federalism except in name." In addition, the President could dissolve a regional council for national security reasons at the President's sole discretion. Finally, the proposals did not provide for a unified Tamil region for the north east, which Sri Lanka accepted as the "historic habitation of Tamils" in the Indo-Sri Lankan Accord of 1987; nor does it address the critical issue of Sinhala colonisation in the North-East. Indeed, the President has made clear her opposition to "ethnic enclaves" and to federalism - despite the fact that both are common features of constitutions in multi-ethnic countries throughout the world.

Conclusion

It would be evident from the above analysis that in the writer's judgment the case against Tamils supporting the Government strategy and its devolution pro-

(Continued on next page)

IN BRIEF

(continued from page 9)

Within two days of the first crash, a transport plane crashed at sea off the northern Jaffna peninsula on 20 January with four people aboard. The Chinese built Y-12 twin-engined turbo-prop aircraft was on a maritime surveillance mission to check a suspected LTTE vessel when it lost radio contact. The Y-12 had taken off about 4.00 a.m. (2200 GMT) from the Palaly airbase in the northern Jaffna peninsula.

"The pilot gave a call around 5.15 a.m. (2315 GMT) saying he had seen a ship and was going down to identify her and that he will call after 10 minutes. When he did not call we tried to raise him. There was no response. We then started a search on the last known location," an airforce official said.

As Indian and Sri Lankan planes and warships continued searching for the Y-12 reconnaissance plane, another Lankan airforce fighter jet crashed into Negombo lagoon in south-western Sri Lanka on 21 January after the pilot ejected safely. This time it was an Israeli built Kfir (jet) which reportedly experienced difficulties soon after takeoff from the Kattunaike airbase.

RAPHEL VISITS NORTH : United States Assistant Secretary of State, Robin Raphel, visited Sri Lanka's war-torn northern region on 31 January to meet international aid agencies helping displaced Tamils. Raphel met officials of the UNHCR and the ICRC in Vavuniya which is the transit point for Tamils fleeing the war between government forces and the LTTE.

ARMY CAMP FALLS TO LTTE: Tamil Tigers had overrun Mavadivempu army camp in the East killing 30 Sri Lankan troops, a statement from the LTTE said on 3 February. The camp came under LTTE fire just after midnight on Saturday and within 20 minutes fell into LTTE control. In addition to the 30 Sri Lankan troops killed, many others are missing and badly injured. 15 LTTE fighters lost their lives. A military-tractor was destroyed by LTTE demolition units and an array of sophisticated weapons and accessories was captured. This attack is the latest in a string of LTTE military successes this year, added the statement.

DMK LEADER ON TREASON : M.Karnanidhi, the Chief Minister of the south Indian state of Tamil Nadu, warned that the National Security Act would be invoked against anyone who spoke in support of the outlawed LTTE at the Eelam Tamil Protection Conference hosted and held in Madras by the Pattali Makkal Kadchi (PMK) on 1 February. The Chief Minister speaking in the Tamil Nadu State Assembly said that glorifying the LTTE would tantamount to treason.

78 LANKANS IN ITALIAN CUSTODY : Italian authorities confirmed on 28 January that they have taken into custody 78 Sri Lankans from a Turkish ship which sank off the coast of southern Italy on January 24. Reportedly there were 154 illegal immigrants aboard the ship among whom there people from many nationalities. They were rescued by Italian coast guards. It was suspected that they were all transported after approaches were made to one agent who promised them to arrange the trip to gain safe entry into Italy and thereafter to other European countries. Twenty-one of the 51 Sri Lankans rescued arrived in Colombo on 25 January of whom two were Sinhalese and the rest were Tamils.

CALL FOR PROBE ON KILLINGS: Three non-LTTE Tamil political groups, EPDP, PLOTE and EPRLF have called upon the government to institute a judicial probe into what they describe as the massacre of civilians by the security forces on 29 January. According to the groups, the death of 9 Tamil civilians occurred following a grenade attack in Ponnalai in northern Jaffna on an army patrol by the LTTE when the army personnel had allegedly thrown a hand grenade and directed automatic gunfire at a group of innocent civilians walking towards the sea to carry out fishing activity

GERMAN AID FOR JAFFNA : The German government recently donated equipment worth approximately Rs 10.5 million to the Ministry of Housing and Construction to be used to improve the water supply in Jaffna in northern Sri Lanka.

The equipment handed over by the German Ambassador in Sri Lanka, Dr.Michael Schmidt consisted of two pickup jeeps, four tractors, six water bowsers, three motor-bikes, two trailers for tractors, one computer, twenty fibreglass water tanks, two generators, three submersible pumps, office furniture, a photo copy machine, six air-conditioners, numerous tools, repair kits etc.

The goods represent the first part of the grant of articles needed to reconstruct the wells in Thinnaveli and Kondavil, said E.Halbach, the team leader of the project. He said that this was only the first step in a series of projects that the German government was planning to help improve conditions in Jaffna. The next move is to improve and repair schools in Jaffna. They hoped to begin the rehabilitation of schools as soon as possible, he added.

The equipment is to be sent to Jaffna on 15 February, and the Ministry of Rehabilitation had undertaken to provide 60C workers in this connection. The projec would function with local labour and material, and it was for the benefit of the people of Jaffna, and it would provide them with employment and satisfaction of being part of the project, Mr.Halbach said.

(continued from page 14)

posals and the marginalisation of the LTTE, is much stronger. Any possible benefit to the Tamils from supporting the Government's strategy would be limited and transient at best and the pain and suffering of the Tamils will not ease because the war will continue.

The viability of the Government's strategy and its claimed benefits rest on the LTTE being weakened militarily to a low level insurgency limited to a small part of a depopulated Vanni areas. However the LTTE continues to be a strong military force.

It is also noteworthy that the demand initially for federalism and for a Tamil linguistic state consisting of the North and Eastern provinces, and its later transformation into a demand for an independent Tamil state were sponsored by the TULF (and its predecessor Federal Party) and supported by all other Tamil parties now operating in Colombo.

In this background it is indeed tragic to see the Tamil parties in Colombo not only supporting devolution proposals despite the noted deficiencies, but also mobilising political support for them, among other parties in Colombo. They seem also insensitive to the fact that there are no democratic means of ascertaining the views of the Tamils in the north east, which is under military rule and where the main concern of people now is day-to-day survival.

One can understand the need of the Tamil parties in Colombo to find a political role for themselves. However they should realise that collaboration with the Government will yield them only little and short lived political gains. The Sinhalese leadership will give them little political space and resources once they have used them for the purpose of claiming legitimacy internally and internationally.

It is to be hoped that the readers of the Tamil Times and others will convey their views on this vital question to the leadership of these parties. They should instead be requested to support the call of people like Dr Kumar Rupasinge, first for an end to the isolation of the north from the south and the restoration of free humanitarian access to food, medicines and other essential supplies, to be followed by an abatement in the level of conflict and by resumption of negotiations between the Government and the LTTE with third-party mediation or facilitation. ●

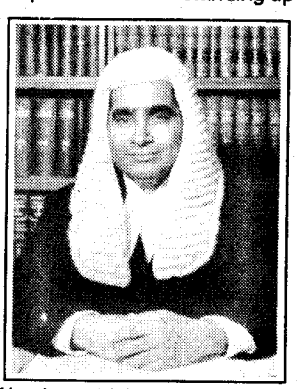
A Tenth Anniversary Commemoration Article

OF NADESAN AND JUDGES

Suriya Wickremasinghe, Attorney-at-Law

The writer assisted Nadesan in a variety of battles in the courts over a period of twenty six years. A fellow founder member of the Civil Rights Movement, she is currently its Secretary, and Joint Secretary of the Nadesan Centre for Human Rights Through Law.

The tenth anniversary of the death of S.Nadesan QC fell on 21 December 1996. The present commemorative article focuses on just one aspect of this brilliant and versatile Sri Lankan - his impassioned and total commitment to the institution of the judiciary. We sorely miss Nadesan today when this institution is beset afresh by controversy. Fortunately, his numerous legal battles, speeches and writings, have left us with a veritable goldmine which may provide some guidance in getting our thinking right and straight on issues of the day. We are also fortunate that he had the habit of clarifying his thoughts by putting them down in writing, and in writing out speeches he was going to deliver or oral submissions that he planned to make to Court. Many of these unpublished manuscripts have been preserved. Nadesan's speeches and writings tend to be timeless because, although he was dealing with contemporaneous problems, he always looked beyond them to basic principle. While the contemporaneous situations may or may not have their parallel today, the formulation of basic principle invariably remains valid. Sketched here in brief are some instances where Nadesan grappled with questions of the role and independence of the judiciary, or its relationship with the other organs of state power. This article can do no more than outline the surface, and draw attention to the extensive treasure that is there, most of which is readily accessible to anyone wishing to consult the relevant law reports, sessional papers, speeches, written submissions, publications and other documents.



The Judges and the 1972 Constitution

When a new Constitution was being drafted in 1971 Nadesan wrote, at record speed, a book as a contribution to the debate.1 It was both a privilege and an ordeal to assist him editorially in this task, to which he applied himself with demonic vigour. One chapter is devoted to the administration of justice, which topic also features prominently in the delightful sessions of an imaginary Constituent Assembly2 described in the same book. Basic principle, indeed basic common sense, on the respective role of judges and the legislature, the protection of fundamental rights, the need to curb legislation that encroaches on them, and the independence of the judiciary, including the appointment procedure, are dealt with in clear, incisive terms. Eminently readable, the writing is laced with the impish sense of humour in which Nadesan found a potent weapon to reinforce whatever point he was seeking to make.

Nadesan tells us solemnly that "with the overcrowding at the bar" lawyers who are aspirants to judicial office may feel they can usefully occupy their time campaigning and "attending election meetings and patiently listening to the speeches and sitting on the platform making their presence felt". A lawyer who so helped the winning party "may naturally be regarded by the Minister, if not by several Ministers, as a loyal man whose political beliefs are the same as that of the party." Then again, there will be election petitions in which a loyalist may appear as Counsel.

"Then" says Nadesan "the trouble begins. Even before the Minister of Justice settles down to his job he will be harassed by these loyalists for judicial appointments and it will require all his tact to keep everyone happy. In the meantime the aspirants to judicial office may canvass the support of other members of the National Assembly to put in a word to the Minister of Justice or to the Council of Ministers. The Minister of Justice may take the path of least resistance and appoint a loyalist as a judicial officer or even as a Judge of the Supreme Court preferring him to others of greater ability, better knowledge of the law and wider practice and experience."

Is all this conducive, Nadesan asks us, to securing the independence of the judiciary? Concluding, he sounds a note of alarm that rings loud and clear across the span of twenty five years:

"Ceylon has today a judiciary of which it can justifiably be proud. This judiciary has a tradition of deciding without fear or favour between the subject and the state. By the very nature of this tradition, it may be difficult for a 'loyalist' for some time to give effect to his peculiar notions of justice. But in course of time with loyalty to party, and not character and competency, being the deciding factor in the making of appointments, this tradition will be no more."

The Criminal Justice Commission and The Great Walkout

Nadesan's commitment to the institution of the judiciary was dedicated, passionate and complete. This dedication included standing up to judges robustly when he thought they were wrong, and being blunt and even defiant when he felt the bench deserved it; he was never obsequious or servile. In the preliminary stages of the marathon trial of the main 1971 JVP suspects, Nadesan opposed a decision of many of the defence counsel (taken at a huge, historic and heated conference of counsel and clients all crammed together in a smallish office room in the Welikada jail). The decision was to walk out of the Commission in protest if an anticipated ruling considered unfair was made. Nadesan's position was that however wrong the ruling, one must stay on and fight one's client's case, and on 10 August 1972 he stayed put during the Great Walkout of lawyers (who never came back). Soon thereafter he started to raise his own preliminary objection and the bench ruled it would not consider it till the end of the case. Nadesan persisted, and was asked to desist, but remained on his feet and continued to press his argument, and was asked to sit down, but continued regardless, and this process was repeated for some time, with both parties evincing an increasing determination not to yield. The tension for everyone else in court was unbearable. It was as if one saw two aircraft collide in mid air, and was waiting for the flames and sound of impact. But there was neither conflagration nor crash. Great Walkout Number Two simply took place, this time however by the five judges, who abruptly adjourned and swept out of the room while Nadesan continued to address their vanishing Lordships. Each side having thus made its point, the score was then apparently considered equal, and the following day the inquiry passed on to its next stage in complete amiability, and so continued right to its end over two years later as if nothing out of the ordinary had ever occurred.

The Constitutional Court and the Press Council Bill

The Civil Rights Movement was one of several challengers of the Press Council Bill of 1972 which it considered incompatible with freedom of expression. Nadesan appeared for CRM in the Constitutional Court where the hearing on this took place. Others participating included HW Jayewardene QC on behalf of the leader of the UNP, HL de Silva on behalf of the Moratuwa Mahajana Sabha, and Jayatissa Herath on behalf of the Rev. Matara Chandarama. It was clear that the legal arguments could not be satisfactorily concluded within the two week period prescribed by

the Constitution, and a discussion took place as to whether this limit was absolute or whether it was merely for the guidance of the Court which in a fit case could extend the time. In legal parlance, was the provision *mandatory* or merely *directory*. Nadesan had no difficulty in convincing the court that it was directory. The United Front, he said, had obtained a mandate to draw up a new constitution that would **secure** fundamental rights and freedoms. It had implemented this promise by providing that whether a provision conflicted with a fundamental right could be examined **before** it passed into law, and for this purpose a constitutional court was set up.

"What is contemplated", said Nadesan, "is a **judicial decision** as to whether a provision of a Bill is inconsistent with the Constitution. A judicial decision means that the court must judge conscientiously and as correctly as it possibly can. To do this the court must first inform itself regarding the arguments for and against, read the authorities cited, and make up its mind. The human mind is not an automaton which can be called upon to make a decision in a limited time without regard to arguments, reasons or precedents."

Nadesan then procee ed with a compelling exposition of what **must** have been the inter ion of the Constituent Assembly. If one holds the time limit imperative, a citizen could be deprived, for no fault of his, of the only method that the constitution had given him of securing his fundamental rights. *"Could the members of the Constituent Assembly ever have intended to deprive the citizen of his right merely because the Constitutional Court finds itself unable to give a decision within 14 days? It is inconceivable that the Constituent Assembly Members, who were pledged to* ***secure*** *the fundamental rights of the citizen, could have intended this."* The only reasonable interpretation, he continued, was that the provision is intended as a guide and no more. *"What is more important than the time factor is that there should be a well considered and proper decision."*

There was complete rapport between bench and bar. ("Mr Nadesan, I could go on listening to you for ever!" said presiding judge T.S.Fernando J at one point.) The Constitutional Court sat in a room in the Parliament building, and it became clear that some members of the National State Assembly took a different view of the 14 day time period and might press to proceed with the Bill without waiting for the Court's ruling. At the end of his submission Nadesan thus felt it advisable to stress the respective role of the courts and the legislature.

It has to be remembered, he said, that the Constitution is supreme. "The National State Assembly and the constitutional court are both creations of the constitution. Each of these bodies is supreme **in its own sphere**, and must observe the law and the constitution. The constitution provides that the National State Assembly cannot directly exercise judicial power (except in regard to its own privileges) and that judicial power has to be exercised through the courts and other institutions created by law. The question of the correct interpretation of the law in dispute involves the exercise of judicial power. It is not the function of the National State Assembly to interpret even the laws enacted by it when a dispute arises. Indeed the Assembly is ill equipped to interpret laws. This cannot be done by the application of the party whip. Interpretation of laws requires trained Judges who have to consider all aspects fully in the light of legal principles. It is because the Constituent Assembly considered that the National State Assembly was ill equipped to interpret laws that it created a constitutional court to decide disputes as to whether a Bill infringes the constitution. The constitutional court has to interpret the constitutional provisions regarding its own jurisdiction, powers and duties. No other body is recognised by the constitution to perform this task. The constitution cannot function smoothly unless the decisions of the court in matters regarding its jurisdiction, powers and duties are accepted as authoritative by all other bodies created by the constitution."3

The court continued to hear the case until its sittings were abruptly terminated in curious circumstances, but that is another story.

Parliamentary Privilege and the Exercise of Judicial Power by Parliament

Nadesan as a Senator and a lawyer played a major role in the creation of the law on parliamentary privilege in 1952. He was a member of the Joint Select Committee of the House of Representatives and the Senate which drafted the 1953 Act on this subject. Significantly, the Committee decided unanimously that the legislature should not invest in itself the punitive power of sentencing an offender to fine or imprisonment, which should be entrusted to the Supreme Court alone. "It is undesirable that a body should be the judge in its own cause", Minister of Justice Sir Lalita Rajapakse explained in piloting the Bill through Parliament. It is no secret that it was Nadesan who cogently argued for this principle which was readily accepted by his fellow members of the Select Committee. In fact the Leader of the House, Sir John Kotelawala, in Parliament paid specific tribute to Nadesan's contribution to the work of the Select Committee. Thus was the distinct line between the proper exercise of the judicial and the legislative powers arrived at and carefully and correctly drawn by unanimous democratic decision.

Nadesan was therefore appalled when in 1978 a hasty amendment, rushed through in the teeth of opposition protest, changed this position. The very next day, in the infamous "Ceylon Observer case" arising out of a comic photo/caption mix-up, two journalists were hauled up before the whole House, "tried" and "sentenced." Nadesan wrote a report for the Civil Rights Movement which was also serialised in the **Sun** newspaper. He explained how, and why, the exercise of punitive powers by Parliament had been deliberately excluded by the Act, and stressed again the undesirability of Parliament exercising the judicial function. A devastating analysis of Parliament's farcical proceedings in the Ceylon Observer case followed. "The very first case before the Nationa State Assembly ..... affords a telling illustration of the danger inherent in the new amendment giving punitive powers to the NS/ of sentencing persons to fine or imprisonment" concluded Nadesan. "Courts of law are the best institutions equipped to interpret a statute. It is their proper function just as legislation is the proper and rightful function not of the courts but of the legislature."

Far from appreciating the excellent legal advice tendered to it *gratis* by Nadesan, the legislature accused him of breach of privilege claiming he had defamed Parliament by the article! Wisely, however, it exercised its option of referring the trial to the Supreme Court. (Nadesan was bitterly disappointed; he was looking forward to taking on the entire Parliament in person single-handed, and convincing its members, in a face to face confrontation, that they should not exercise judicial functions). His trial evoked international interest and was one of Sri Lanka's *cause celebres;* he was ably defended by H.L. de Silva and acquitted.4

The Daily News Contempt Case

Nadesan's commitment to the independence of the judiciary led him to raise - and doggedly pursue - issues even when one suspected that the judges themselves might have preferred to dodge facing them. One such instance was when in 1983 the Daily News reproduced a highly defamatory allegation against two sitting judges of the Supreme Court. This allegation was contained in a notice of a Motion contained in the Order Paper of Parliament. Accurate reports of the proceedings of Parliament are, of course, privileged, which means they cannot be the subject of action for defamation. Nadesan's argument however was that the same protection did not apply to contempt of court. The particular gravity of the situation was that the motion was no private member's frolic, but was by the government; it was directly related to a ruling highly embarrassing to the government, delivered by the two judges in question in part of the complex legal aftermath to the deprivation of former Prime Minister Sirima Bandaranaike's civic rights.

Contempt proceedings could have been initiated by the Supreme Court itself, or by the Attorney General, but this was not done. It was left to a public-spirited individual, Attorney-at-law Suranjith Hewamanne,5 ably inspired and encouraged by

Nadesan, to set the wheels in motion in what more timid souls may have feared held all the promise of a confrontation between the judiciary and the legislature. If the judiciary drags its feet in protecting itself, it may need to be prevailed upon to act. One cannot say the judges deserve whatever they may get and wash one's hands of the issue, for what is at stake is something far more vital than the reputation or dignity of individual judges.

With grim vigour and a total identification with the complainant's cause Nadesan explained to court Hewamanne's motivation, using the practitioner's convention of speaking in his client's voice:

"If people lose respect for the judges they will stop coming to court for redress and they will start to take the law into their own hands", he said, *"and then there will be chaos in this country, and I don't like that, and therefore I have come to Your Lordships' Court...."*. 6

The defence relied strongly on the freedom of publication and the right of the public to know. This was a case in which a balance had to be struck between two important and competing interests. On the one hand there was the need to protect the judiciary, especially against attack from the government, so that it can function fearlessly and independently. On the other hand there was the freedom of expression and information, especially in connection with a matter to be brought before the legislature. The hearing lasted fifteen days. By a majority verdict the complaint of contempt of court was upheld. (Rightly, no punishment was imposed, as the offence had manifestly not been committed by the newspaper with the deliberate intention of interfering with the administration of justice.) The judgments contain important expositions of the role of the judiciary, in particular that of Wanasundera J. who held that the power vested in the judges to safeguard the welfare and security of the people is also a delegated part of the sovereignty of the people referred to in Articles 3 and 4 of the Constitution; contempt against the judges is therefore an insult offered to the authority of the people and their constitution. Abdul Cader J. said that "Parliament is a responsible body and can well be expected to preserve and foster the dignity of the Courts in the interest of the public. But an equal duty rests on the Courts to safeguard that same dignity."

Parliament responded by amending the law to enable the press to report contempt of court by the legislature with impunity; one of many retrograde measures that need today to be set right.

The Great Lockout

"Here is a classic example of the uncertainties of litigation and the vicissitudes of human affairs. The annals of the Supreme Court do not record such a unique event and I venture to hope there never will be such an event in the years to come", so opens the report of what must be the most extraordinary case to ever come before our courts.

For over a week the country did not know whether it had a Supreme Court or not. That we now know that we **did** in fact have one all along is due to the indefatigable efforts of S. Nadesan QC.

On 9 September 1983 Nadesan was addressing a five judge bench of the Supreme Court in a fundamental rights application challenging the banning of the Saturday Review, when the judges mysteriously adjourned. They had noticed that the Sixth Amendment to the Constitution - the text of which they had just received - required them to take the new oath before the President. In fact they had taken the oath before each other (which was the original requirement in the Bill; this had been amended in Parliament at the Committee stage).

A bizarre series of events followed, too complex to recount here. Suffice it to mention that the Courts and the Chambers of all judges of the Supreme Court were locked and barred and armed guards placed to prevent access. (The Chief Justice later said, *"this act has polluted the hallowed portals of these courts and that stain can never be erased"*). A few days later the judges received fresh letters of appointment and two oaths were administered to each. On 19 September, ten days after their abrupt disappearance, the five judges assembled again to hear the Saturday Review case.

At this point Nadesan contended vehemently and tenaciously that the judges had never gone out of office, and that therefore what was taking place was not a fresh hearing but a continuation of the earlier proceedings.

In view of the importance of the issue the Chief Justice referred this question to a Full Bench of nine judges. The matter was argued for twelve days and all nine judges wrote judgements at the end, seven supporting the position contended for by Nadesan.7

Several questions arose, some technical in nature, but the most crucial went to the core and substance of the institution of the judiciary. Again, it was a question whether a requirement (in this case, that the oath be taken before the President) was mandatory or directory. Some curious arguments were put forward on behalf of the Attorney General, who took up the position that the judges **had** gone out of office. In arguing that the requirement to take the oath before the President is mandatory the Deputy Solicitor General contended that the personal allegiance which the judges owed to the Sovereign in the days of the monarchy is now owed to the Head of State "who is entitled to ensure that the allegiance is manifested openly and in his presence". "This", observed Samarakoon CJ, "is a startling proposition. Sovereignty of the People under the 1978 Constitution is one and indivisible. It remains with the People. It is only the exercise of certain powers of the Sovereign that are delegated under Article 4". The CJ went on to point out that fundamental rights and the franchise remain with the People and the Supreme Court has been constituted the guardian of such rights. "I do not agree with the Deputy Solicitor General that the President has inherited the mantle of a monarch and that allegiance is owed to him. The oath in terms of the Fourth Schedule which the Judges were required to take or affirm in terms of Article 107(4) swore allegiance to the Second Republican Constitution and the Democratic Socialist Republic of Sri Lanka."

Another argument was that by accepting fresh letters of appointment the Judges had precluded themselves ("estopped" was the legal term used) from asserting that they had not gone out of office. Sharvananda J surveyed the provisions of the Constitution relating to the judiciary, and found the Deputy Solicitor General's submission "jarring" and "untenable. The doctrine of estoppel invoked by him is out of place in the area of constitutional provisions... The interest of the public...is supreme. The basic concept of judicial independence would be exposed to very great jeopardy if rules of estoppel are allowed to modify it. The Judges, once they accept appointment under Article 107(1) of the Constitution are not free to contract out of the provisions of the Constitution and waive the constitutional protection that is warranted to them in order to protect their impartiality and integrity. Any such waiver is null and void." On this same point Soza J held

"Security of tenure of office of the Judges of the Supreme Court and Court of Appeal is an essential component of judicial independence and is entrenched in our Constitution as a principle of State Policy for the benefit of the Sovereign people. No amount of waiver or acquiescence even by the judges themselves can defeat the security of tenure of judicial office enshrined in the Constitution".

When Nadesan first said that the question of whether the judges had gone out of office must be ruled upon, the Chief Justice remarked that he was raising a hornet's nest. If not for Nadesan's insistence, the matter may never have been gone into, and we would not have today the benefit of an authoritative account of what took place, and the careful analysis of and decision on the legal implications of these extraordinary events in which the very existence of the Supreme Court and Court of Appeal had been placed in doubt. How and why Nadesan's insistence arose is not very clear from the judgments, but it transpires from Nadesan's notes of oral submissions which are fortunately available to us. He recounts that when the court reassembled on 19 September the Chief Justice said that as the two months before which the Order had to be made in the Saturday Review Case expired on the 22nd September it would not be possible to make the order, and requested Nadesan not to press his petition, but to

take up a second petition which he had preferred in respect of a second similar order made by the Competent Authority for the subsequent month, as then the Court would have adequate time to make the order before the expiry of two months. Nadesan then stated that his position was that the date of making the order was directory and not mandatory. He also contended that the proceedings of the 8th and 9th were valid proceedings before *de jure* Judges of the Supreme Court and that he proposed to make his submissions in this regard. He was not prepared to give up his clients case in respect of the first period as apart from everything else they had claimed compensation in respect of the closure. Nadesan continued:

"Your Lordship the Chief Justice then said that I was raising a hornet's nest and requested me to proceed with the second case. I stated that I was not prepared to do so in the interests of my client which it was my duty to safeguard. Your Lordships Court then indicated that the matter will have to go before a bench of 9 Judges and that is how the matter has now come up before Your Lordships Court. All this shows that in these matters there are not only two organs of the State, the Supreme Court and the President, who are involved but also the people. The Supreme Court and the President may have resolved their differences in some particular way. But this does not affect the right of a citizen to argue that indeed the proceedings of the 8th and 9th were valid proceedings before Supreme Court Judges who had not ceased to hold office. The petitioners are not in any way responsible for the difficulties that had arisen between Your Lordships Court and the President. They had nothing to do with it. They are entitled to present their case on the basis that you had not ceased to hold office if that is the position according to their lawyers ..."

The attempt to sack the Chief Justice

In 1984 Chief Justice Neville Samarakoon QC made a speech at the annual award-giving ceremony of Sinnathuray's Commercial Tutory, a modest event held at the Sea View Hotel, Kollupitiya. The sequel was an attempt to remove him from office.

A Select Committee of Parliament, chaired by the Hon R. Premadasa, first purported to examine his conduct. The majority decision was unfavourable to the Chief Justice (the voting coinciding with party allegiances). Subsequently a resolution requesting the removal of the Chief Justice was signed by 57 members of Parliament.

The Constitution provides that a judge of the Supreme Court or Court of Appeal may be removed from office only under certain circumstances, and this includes proof of misbehaviour or incapacity. The investigation and proof of such alleged misbehaviour or incapacity shall be provided for by Parliament "by law or by Standing Orders." It was thus open to Parliament to pass a law providing for an independent judicial tribunal to inquire into such allegations, as was provided by the Judges Inquiry Act of 1968 in India. Instead, Parliament opted to make provision by Standing Orders, and adopted the Select Committee procedure.

A second Select Committee, chaired by the Hon Lalith Athulathmudali, was accordingly now set up to investigate the CJ's conduct and report to Parliament. At this stage Nadesan appeared for the Chief Justice and conducted a most thorough and spirited defence. At issue here was not merely the fate of Samarakoon CJ but most fundamental questions affecting the very institution of the judiciary. Nadesan subjected to a rigorous analysis the findings of the first Select Committee which had set the whole operation in motion, and contended they were manifestly wrong and had misled the MPs who signed the impeachment motion. He then applied himself with zeal to tackling the second Select Committee. The defence contained a variety of elements including a penetrating analysis of the Prize Speech, and an exposition of freedom of expression. For present purposes what is relevant, however, is Nadesan's compelling argument on the unconstitutionality of the Select Committee procedure itself. It was a clear contravention of the independence of the judiciary. In investigating, through a Select Committee, whether there was misbehaviour, Parliament was in fact exercising judicial power in direct contravention of the Constitution. The Standing Order prescribing the Select Committee procedure for this purpose was ultra vires and unconstitutional.

These proceedings relate to one of the most important events in the history of our judiciary. Nadesan's analysis of the constitutional provisions relating to the independence of the judiciary, and his examination of the basic principles involved, are masterly. The Sessional Paper in which they are recorded is fascinating reading.8

At the end, the Select Committee once again divided on party lines. The majority found that the Chief Justice's speech, while not amounting to "proved misbehaviour", constituted "*a serious breach of convention and has thereby imperilled the independence of the judiciary and undermines the confidence of the public in the judiciary.*" The minority said "*We have given careful thought to the speech and its contents as also the circumstances under which it was made. We cannot find anything in the speech and in its contents even remotely possible of being interpreted as proved misbehaviour.*"

The minority report of this Select Committee also considered both the constitutionality and the desirability of the procedure adopted by Parliament. It said:

"An important preliminary objection was raised by Mr. S. Nadesan, Q.C. Senior Counsel for Mr. Samarakoon. Briefly the point made by Mr. Nadesan, was that to bring Standing Order 78A into the list of Standing Orders and in seeking through this Select Committee to act under provisions of Standing Order 78A the Constitution of Sri Lanka was in fact being violated.

The point made by Mr. Nadesan, was that in the context of a Constitution such as that of our country, in which the separation of powers was jealously protected, this Committee in seeking to go on with this inquiry as to whether or not Mr. Samarakoon was guilty of "proved misbehaviour", was violating the provisions of Article 4(c) of the Constitution which stipulates that except in matters concerning parliamentary privileges the judicial power of the people shall be exercised exclusively through the courts.

The signatories to this statement, while conceding that Mr. Nadesan's arguments have considerable cogency — are not in a position to come to a definite conclusion on this matter. We would urge that H.E. the President could refer this matter to the S.C. for an authoritative opinion thereon — under Article 129(1) of the Constitution.

The signatories to this statement however feel strongly that the procedure that Parliament finally adopts should be drafted along the lines of the Indian provisions where the process of inquiry which precedes the resolution for the removal of a Supreme Court Judge should be conducted by Judges chosen by the Speaker from a panel appointed for this purpose. We therefore urge the House to amend Standing Order 78A accordingly."9

No advisory opinion was ever sought, nor was the Standing Order amended. Proper constitutional provision for investigation by a judicial tribunal is one of the matters now urged by the Civil Rights Movement in its representations on constitutional reform.●

Notes

1.S.Nadesan, *Some Comments on the Constituent Assembly and the Draft Basic Resolutions* (Colombo; Nadaraja Ltd., 1971.

2.Titled "A Story" this is now reproduced in issue No.4 of the Civil Rights Movement's *The Value of Dissent.*

3.Submissions by Counsel for Mr Reggie Siriwardene on whether the provisions of Section 65 of the Constitution are imperative or merely directory. 7 pp, typescript.

4. Second report from the Committee on Privileges on The Question of Privilege Arising out of a Series of Articles published in the "SUN" by Mr S. Nadesan, QC, Parliamentary Series No 11. *Attorney General v. Nadesan* SC 1/1980. 1978-79-80 1 SLR 339.

5.*Hewamanne v. de Silva* 1983 1 SLLR 1.

6. Writer's recollection of oral address.

7.*Visuvalingam v. Liyanage* 1983 1 SLLR 203.

8.*Report from the Select Committee appointed to investigate and report to Parliament on the allegations referred to in the resolution placed on the Order Paper of 5th September, 1984, for the presentation of an address to His Excellency the President requesting the removal of Hon. N.D.M. Samarakoon QC, from the office of the Chief Justice of the Supreme Court.* Parliamentary Series No. 71.

9.Parliamentary series No 71 page 185.

THE 1996 SOUTH AFRICAN CONSTITUTION - LESSONS FOR SRI LANKA

by Dr. S. Narapalasingam

There are some aspects of the 1996 Constitution of the Republic of South Africa, especially the approach followed in drafting and adopting it which are instructive for uniting a bitterly divided people within one nation. The presentation here should not be taken as an alternative to the legal draft of the devolution proposals presented by the Sri Lankan Government to the Parliamentary Select Committee on Constitutional Reforms. Despite the sincere and firm efforts to solve the ethnic problem politically by President Chandrika Kumaratunga and her Government, the way the discussions on the proposals have proceeded so far does not give much hope that the present approach will succeed.

The reference to the chosen aspects of the Constitution of South Africa in this article is solely for the purpose of exploring a way to reach a broad consensus on the present devolution proposals, particularly on the contentious issue of keeping Sri Lanka as one undivided nation, while at the same time devolving powers to the regions that satisfy the aspirations of the minority ethnic groups. It is unfortunate that devolution has not been understood as a means to make the democratic system more meaningful by giving greater powers to the people in the regions to manage their affairs according to their needs and priorities. The fact that the people of diverse ethnic groups reside in varying degrees of concentration in the different administrative districts of Sri Lanka should not be considered as the sole reason for devolution. If the different ethnic groups polarised as a result of historical factors and the divisive policies pursued by past governments can be induced to end the state of belligerence and cooperate in nation building and development through devolution, then this should be an additional achievement of major significance.

Unlike in South Africa, racial discrimination in Sri Lanka that resulted from the notion that one supreme/powerful race has the privilege to enforce its rule over others does not have a long history. Nevertheless, the consequences of this doctrine for reasons which are not dissimilar have been catastrophic in Sri Lanka. It is my considered view that the recent developments in South Africa provide a peaceful way to bring about reconciliation and unity between the Sinhalese and Tamil communities in Sri Lanka. Moreover, Sri Lanka's integrity as one democratic nation where human rights and freedom are truly respected can also be restored by adopting a similar approach.

Constitution-making process

Following the renunciation of apartheid, South Africa functioned under an interim constitution. This referred to as the Constitution of the Republic of South Africa Act 200 of 1993 was passed on 25 January 1994 and came into effect on 27 April 1994. It prescribed how the country's final constitution is to come into being. Two essential steps of the constitution-making process indicated therein relevant here are:

(i) Constitutional text must comply with the set of Constitutional Principles listed in Schedule 4 of the Interim Constitution; and

(ii) This text can come into force only once the Constitutional Court of South Africa (whose functions are solely judicial) has certified that it indeed so complies, notwithstanding its prior adoption by a two-thirds majority of the Constitutional Assembly.

In fact, the Constitutional Court withheld certification of the text adopted by the Assembly in May 1996 as some of its provisions did not comply with the prescribed Principles. In delivering the judgement, the Court analysed the role and meaning of the Principles, described how it had gone about performing the task and set out the reasons for the conclusions.

The Constitutional Assembly then passed by more than the requisite majority an amended text on 11 October 1996 addressing the grounds for non-certification set out in the Court's earlier judgement. The Court studied all the written submissions and oral arguments advanced in opposition to certification of the amended text as well as those presented on behalf of the Assembly. The Court in its judgement delivered on 4 December 1996 certifying the amended text, has also provided specific reasons for rejecting the main objections raised by referring to the relevant Constitutional Principles.

Constitutional Principles

Schedule 4 of the interim constitution contains 34 principles with which the various provisions in the 1996 constitution must conform. The usefulness of these is not limited to the drafting of the various provisions but extends beyond in that any misapplication of the latter can be challenged at the relevant time by referring to them. Excerpts of the relevant principles are provided in Annexure I.

Memorandum of Agreement for Reconciliation and Peace

The three major parties viz. Inkatha Freedom Party, National Party (the then ruling party) and African National Congress following intensive discussions reached agreement on 19 April 1994 for reconciliation and peace. The memorandum of agreement was signed by the respective leaders, Mangosutho G Buthelezi (Chief Minister of the KwaZulu Government), F. W. De Klerk (then State President of South Africa) and President N. Mandela. It was witnessed by Prof. W. A. J. Okumu of Kenya, who played a key role in reaching the agreement.

Among others, the agreed commitments of the signatories include:

- Rejection of violence and to do everything in their power to ensure free and fair elections throughout the Republic of South Africa.
- Recognise and protect the institution, status and role of the constitutional position of the King of the Zulus and the Kingdom of KwaZulu, which institutions shall be provided for in the Provincial Constitution of KwaZulu/Natal immediately after the holding of the said elections.
- Any outstanding issues in respect of the King of the Zulus and the Constitution as amended will be addressed by way of international mediation which will commence as soon as possible after the said elections.

Government of National Unity

The first post-apartheid government was constituted after the elections as a Government of National Unity. Section 84 of the new constitution provides for the appointment of two Executive Deputy Presidents. The appointments are made on the basis that each party holding at least 80 seats in the National Assembly is entitled to designate an Executive Deputy President from among the members of the Assembly. If no party or only one party holds 80 or more seats in the Assembly, the party holding the largest number of seats and the party holding the second largest number of seats are each entitled to designate one Executive Deputy President from among the members of the Assembly. Like the President, the two Deputies are also members of the Cabinet.

The President must consult the Executive Deputy Presidents -

(a) in the development and execution of the policies of the national government;

(b) in all matters relating to the management of the Cabinet and the performance

of Cabinet business;
(c) in the assignment of functions to the Executive Deputy Presidents;
(d) before making any appointment under the Constitution or any legislation, including the appointment of ambassadors or other diplomatic representatives;
(e) before appointing commissions of enquiry;
(f) before calling a referendum;
(g) before signing any international agreements; and
(h) before pardoning or reprieving offenders.

Truth and Reconciliation Commission

With the view to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past, Truth and Reconciliation Commission was established under the Promotion of National Unity and Reconciliation Act. The stipulated qualification of the commissioners is that they are impartial and do not have a high political profile. The chairman of the seventeen-member Commission is fittingly, the Noble Peace laureate Revd. DesmondTutu. Under the same Act, three Committees on (1) Human Rights Violations, (2) Amnesty, and (3) Reparation and Rehabilitation have also been appointed. These have no power to punish but are empowered to grant amnesty to those who confess and repent for their past mistakes. Rev. DesmondTutu stated candidly that peace is not possible without forgiveness and reconciliation. The Government has taken the view that it is far more important to ensure peace through reconciliation than to punish in revenge those who confess their past misdeeds.

Parliament

Parliament consists of - (a) the National Assembly (of no fewer than 350 and no more than 400 women and men); and (b) the National Council of Provinces (composed of a single delegation from each province consisting of ten delegates - there are nine provinces and hence a total of 90 members). Both participate in the legislative process as set out in the Constitution. While the National Assembly is elected to represent the people and to ensure government by the people, the National Council of Provinces represents the provinces to ensure that provincial interests are taken into account in the national sphere of government. The allocation of delegates to the Council by the parties represented in a provincial legislature will be in accordance with the formula specified in the relevant schedule.

They are also required to establish joint committees composed of representatives from both the Assembly and the Council to consider and report on Bills envisaged in specified sections of the Constitution and to review the Constitution (the constitutional review committee) at least annually. In addition these include, the joint rules committee and the Mediation committee. Since the power to participate in amending the Constitution (in accordance with the relevant section of the Constitution) is conferred to the Council, existing constitutional arrangements in so far as the provinces are concerned can be amended to meet the emerging needs of the provinces or rectify some inadequacy identified by the constitutional review committee. In this regard any amendment must be passed by (a) two-thirds majority in the National Assembly; and (b) National Council of Provinces supported by a vote of at least six out of the nine provinces.

ANNEXURE I

EXCERPTS FROM SCHEDULE 4 OF THE INTERIM CONSTITUTION

- The Constitution of South Africa shall provide for the establishment of one sovereign state, a common South African citizenship and a democratic system of government committed to achieving equality between men and women and people of all races.
- Everyone shall enjoy all universally accepted fundamental rights, freedoms and civil liberties, which shall be provided for and protected by entrenched and justiciable provisions in the Constitution.
- The Constitution shall prohibit racial, gender and all other forms of discrimination and shall promote racial and gender equality and national unity.
- There shall be a separation of powers between the legislature, executive and judiciary, with appropriate checks and balances to ensure accountability, responsiveness and openness.
- The judiciary shall be appropriately qualified, independent and impartial and shall have the power and jurisdiction to safeguard and enforce the Constitution and all fundamental rights.
- The diversity of language and culture shall be acknowledged and protected, and conditions for their promotion shall be encouraged.
- Collective rights of self-determination in forming, joining and maintaining organs of civil society, including linguistic, cultural and religious associations, shall, on the basis of non-discrimination and free association, be recognised and protected.
- Government shall be structured at national, provincial and local levels.
- The powers, boundaries and functions of the national government and provincial governments shall be defined in the Constitution.
- Each level of government shall have appropriate and adequate legislative and executive powers and functions that will enable each level to function effectively.
- The national government shall not exercise its powers (exclusive or concurrent) so as to encroach upon the geographical, functional or institutional integrity of the provinces.
- The national government and provincial governments shall have fiscal powers and functions which will be defined in the Constitution.
- Each level of government shall have a constitutional right to an equitable share of revenue collected nationally so as to ensure that provinces and local governments are able to provide basic services and execute the functions allocated to them.
- A Financial and Fiscal Commission, in which each province shall be represented, shall recommend equitable fiscal and financial allocations to the provincial and local governments from the revenue collected nationally, after taking into account the national interest, economic disparities between the provinces as well as the population and developmental needs, administrative responsibilities and other legitimate interests of each of the provinces.
- The independence and impartiality of Public Service Commission, Reserve Bank, Auditor-General and Public Protector shall be provided for and safeguarded by the Constitution.
- Each member of the security forces (police, military and intelligence), and the security forces as a whole, shall be required to perform their functions and exercise their powers in the national interest and shall be prohibited from furthering or prejudicing party political interest.
- This Schedule and the recognition therein of the right of the South African people as a whole to self-determination, shall not be construed as precluding, within the framework of the said right, constitutional provision for a notion of the right to self-determination by any community sharing a common cultural and language heritage, whether in a territorial entity within the Republic or in any other way. The Constitution may give expression to any particular form of self-determination provided there is substantial proven support within the community concerned for such a form of self-determination.

Mediation Committee

The Mediation Committee consists of nine members of the National Assembly elected by the Assembly in a manner that results in the representation of parties in substantially the same proportion that the parties are represented in the Assembly; and one delegate from each provincial delegation (total of nine) in the National Council of Provinces, designated by the delegation. The Mediation Committee has agreed on a version of a Bill, or decided a question, when that version, or one side of a question, is supported by - (a) at least five of the representatives of the National Assembly; and (b) at least five of the representatives of the National Council of Provinces.

Provincial Legislatures

A provincial legislature has the power to pass a constitution for its province or to amend any constitution passed by it in terms of specified sections of the country's Constitution; to pass legislation in and for its province with regard to any matter within the listed functional areas as well as any matter outside them which is expressly assigned to the province by national legislation. A provincial legislature is bound only by the national Constitution and by its own provincial constitution. A provincial legislature consists of between 30 and 80 elected members. The number of members must be determined in terms of a common formula prescribed by national legislation. There is no office as Governor of a province. A judge designated by the President of the Constitutional Court must preside over the election of the Premier. The same applies to the election of a Speaker. The Speaker then presides over the election of a Deputy Speaker.

ANNEXURE II

EXCERPTS FROM THE BILL OF RIGHTS

Equality: Everyone is equal before the law and has the right to equal protection and benefit of the law. Equality includes the full and equal employment of all rights and freedoms. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth.

Human dignity: Everyone has inherent dignity and the right to have their dignity respected and protected. Everyone has the right to life.

Freedom and security of the person: Everyone has the right to freedom and security of the person, which includes the right to - (a) not to be deprived of freedom arbitrarily or without just cause; (b) not to be detained without trial; (c) to be free from all forms of violence from both public and private sources; (d) not to be tortured in any way; and (e) not to be treated or punished in a cruel, inhuman or degrading way.

Privacy: Everyone has the right to privacy, which includes the right not to have (a) their person or home searched; (b) their property searched; (c) their possessions seized; or (d) the privacy of their communications infringed.

Freedom of expression: Everyone has the right to freedom of expression, which includes - (a) freedom of the press and other media; (b) freedom to receive and impart information and ideas; (c) freedom of artistic creativity; and (d) academic freedom and freedom of scientific research. These rights do not extend to - (a) propaganda for war; (b) incitement of imminent violence; or (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Citizenship and freedom of movement and residence: No citizen may be deprived of citizenship. Everyone has the right to freedom of movement. Everyone has the right to leave the Republic. Every citizen has the right to enter, to remain in, and to reside anywhere in the Republic.

Cultural, religious and linguistic communities: Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of the community, to - (a) enjoy their culture, practise their religion and use their language; and (b) form, join and maintain cultural, religious and linguistic associations and other organs of civil society but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.

Just administrative action: Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. Every person has the right of access to all information held by the state or any of its organs in any sphere of government in so far as that information is required for the exercise or protection of any of their rights.

Limitation of rights: (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom. (2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

States of emergency: A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, may be effective for no more than 21 days from the date of declaration, unless the National Assembly resolves to extend the declaration. The National Assembly may extend a declaration of a state of emergency for no more than three months at a time. The first extension must be by a resolution must be by a resolution supported by a majority of the members of the National Assembly. Any subsequent extension must be by a resolution supported by at least 60 per cent of the members of the National Assembly. Any legislation enacted in consequence of a declared state of emergency may derogate from the Bill of Rights only to the extent that - (a) the derogation is strictly required by the emergency; and (b) the legislation - (i) is consistent with the Republic's obligation under international law applicable to state of emergency; (ii) conforms to subsection (5). [This contains, inter alia, a table of Non-Derogable Rights]. Any competent court may decide on the validity of - (a) a declaration of a state of emergency; (b) any extension of a declaration of a state of emergency; or (c) any legislation enacted, or other action taken, in consequence of a state of emergency. The conditions that must be observed, whenever anyone is detained without trial in consequence of a derogation of rights are indicated in a separate subsection.

Interpretation of Bill of Rights: When interpreting the Bill of Rights, a court, a tribunal or forum - (a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom; (b) must consider international law; and (c) must consider foreign law. When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport, and objects of the Bill of Rights. The Bill of Rights does not deny the existence of any other rights or freedoms that are recognized or conferred by common law, customary law or legislation, to the extent that they are consistent with the Bill. Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

TRUST TRAVEL LTD

(A Member of the Thakral Group of Companies)

3rd Floor, 205 Wardour Street, London W1V 3FA, England.

Tel: 0171 287 3200 **Fax: 0171 287 3111**

We Offer You Discounted Fares To:

WORLDWIDE DESTINATIONS

On All Scheduled Airlines

COLOMBO SPECIAL FOR £360 RETURN
MADRAS SPECIAL FOR £390 RETURN

We are holding seats during the months July & August

To Colombo, Madras, Singapore & Kuala Lumpur

Please Call Raj Pushpanandan or Eric Jeevarajah

RESERVATIONS 0171 287 3345

IATA 91245778

ATOL 4234

Nathan & Chelva Solicitors

YOUR SATISFACTION IS OUR HAPPINESS

We offer you Prompt and Proper Service in all Legal Matters. Legal Aid Work also undertaken.

Partners: K. Chelva-Nayagam LLB, T. Sri Pathma Nathan, (Former Advocate of Sri Lanka)

169 Tooting High Street, London SW17 0SY

Tel: 0181-672 1800 Fax: 0181-672 0105

T.S.T. SKY TRAVEL

- **We offer you flights on scheduled airlines at a fair price**
- **We specialise in flights to Sri Lanka, India, Malaysia, Singapore, USA, Canada & Australia**
- *We will gladly refund the price difference if you can convince us that you could have got the same ticket cheaper elsewhere on the same date of purchase.*

Please contact Mr. S. Thiruchelvam

Office
255 Haydons Road,
Wimbledon
London SW19 8TY
Tel: 0181-543 3318

Residence
69 Toynbee Road
Wimbledon
London SW20 8SH
Tel: 0181-542 5140

TAMIL PAGES 97

GET A FREE LISTING

IN THE NEXT ISSUE OF THE
TAMIL PAGES 97

Yes! All Tamil organisations could get a free listing in The Tamil Pages. If you have missed our offer last year, fear not! Ensure that your organisation is listed in the next edition of the Tamil Directory Tamil Pages 97

The Tamil Directory is the authoritative reference on Tamil organisations based in Britain. Not only that, it provides contacts such as artistes and tutors. The Tamil Pages is the household name, in the Tamil community in Britain.

Individuals, such as tutors and artistes who provide service to the Tamil community can have their details included, as well. Remember: it is a commercial and social directory.

To get a free listing in the Tamil Pages 97 please send us your organisation's name, address, telephone and fax numbers and the type of service(s) provided. Please include a contact name and address for reference.

If you have any queries, please contact us.

Release date April 97

BRITISH tamil DIRECTORIES

52 Kingsley Road
Wimbledon
London SW19 8HF
Tel : 0181 543 2126- Rajah
Tel : 0181 640 7230- Arun
Fax: 0181 540 3442

The executive authority of a province is vested in the Premier of that province. The Premier of a province is responsible for - (a) assenting to and signing Bills; (b) referring a Bill to the provincial legislature for reconsideration of the Bill's constitutionality; (c) a referral of a Bill to the Constitutional Court; (d) summoning the legislature to an extraordinary sitting to conduct special business; (e) appointing commissions of inquiry; (f) calling a referendum in the province in accordance with national legislation. The Executive Council (Cabinet) of a province consists of the Premier, as the head of the Council, and no fewer than five and no more than ten members appointed by the Premier from among the members of the provincial legislature.

The rules and orders of a provincial legislature must provide for - (a) the establishment, composition, powers, functions, procedures and duration of its committees; (b) the participation in the proceedings of the legislature of all minority parties represented in the legislature in a manner consistent with democracy; (c) financial and administrative assistance to each political party represented in the legislature, in proportion to its representation, to enable each party and its leader to perform its function in the legislature; and (d) the recognition of the leader of the largest minority party in the legislature, as the Leader of the Opposition.

Constitutional Court

The constitutional court consists of a President, a Deputy President and nine other judges. It is the highest court in all constitutional matters. Only it may decide disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state; decide on the constitutionality of any parliamentary or provincial Bill; decide that Parliament or the President has failed to comply with a constitutional duty; certify a provincial constitution. The Constitutional Court must confirm any order of invalidity made by the Supreme Court of Appeal, a High Court, or a court of similar status, before that order has any force. Members of a provincial legislature may apply to the Constitutional Court for an order declaring that all or part of an Act passed by the legislature is unconstitutional. Any person can bring a matter directly to the Constitutional Court; or appeal directly to the Constitutional Court from any other court.

Languages

The official languages of the Republic are Spedei, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, and isiZulu. National and provincial governments may use particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances, and the balance of the needs and preferences of the population as a whole or in respective provinces; provided that no national or provincial government may use only one official language. All official languages must enjoy parity of esteem and must be treated equitably. The Pan South African *Language Board must - (a) promote and* create conditions for the development of all official languages; (b) promote and ensure respect for languages, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telugu, Urdu, and others commonly used by communities in South Africa, and Arabic, Hebrew, Sanskrit, and others used for religious purposes.

Bill of Rights

The Bill of Rights enshrines the rights of all people in (South Africa) and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote, and fulfill the rights in the Bill of Rights. The Bill applies to all law and binds the legislature, the executive, the judiciary, and all organs of state. The Rights included relate to - (1) Equality: (2) Human dignity: (3) Life; (4) Freedom and security of the person; (5) Privacy; (6) Freedom of religion, belief and opinion; (7) Freedom of expression; (8) Assembly, demonstration, picket and petition; (9) Freedom of association; (10) Political rights; (11) Citizenship; (12) Freedom of movement and residence; (13) Freedom of trade, occupation and profession; (14) Labour relations; (15) Environment; (16) Property; (17) Housing; (18) Health care, food, water, and social security; (19) Children; (20) Education; (21) Language and culture; (22) Cultural, religious and linguistic communities; (23) Access to information; (24) Just administrative action; (25) Access to courts; and (26) Arrested, detained and accused persons. This chapter also deals with - Limitation of rights, States of emergency, Non-Derogable Rights and the extent these cannot be derogated under states of emergency, Enforcement of rights and Interpretation of the Bill of Rights. Excerpts from this chapter on the Bill of Rights are provided in Annexure II.

Co-operative Government

Government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated. All spheres of government and all organs of state within each sphere must - (a) preserve the peace, national unity and the indivisibility of the Republic; (b) secure the well-being of all the people; (c) not assume any power or function except those conferred on them in terms of the Constitution; (d) exercise their powers and functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; (e) co-operate with each other in mutual trust and good faith.

Independent State Institutions

The 1996 Constitution provides for the establishment of (a) The Public Protector; (b) The Human Rights Commission; (c) The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; (d) The Commission foe Gender Equality; (e) The Auditor-General; (f) The Electoral Commission. These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice. Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions. No person or organ of state may interfere with the functioning of these institutions. These institutions are accountable to the National Assembly. The other constitutional institutions include - (i) Financial and Fiscal Commission; (ii) South African Reserve Bank; (iii) Judicial Service Commission; (iv) Courts; (v) Pan South African Language Board.

Public Service Commission

The single Public Service Commission for the Republic is independent and must be impartial and regulated by national legislation. Each of the provinces may nominate a person to be appointed to the Commission. Members of the Commission nominated by provinces may exercise the powers and perform the functions of the Commission in their provinces, as prescribed by national legislation. The Commission is accountable to the National Assembly.

Self-determination

The right of the South African people as a whole to self-determination does not preclude within the framework of this right recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation. The importance of this constitutional provision should not be undervalued as it has also been crucial (including the Constitutional Principles and the Bill of Rights) to the acceptance of the 1996 Constitution of South Africa by all races and provinces. ●

What the Recent Elections Mean for Pakistan

By G.Ramesh

Pakistan's elite have a lot of worry about. The recent polls, with 40 per cent of the electorate participating, would appear to lack popular legitimacy. Despite the spectacular success of Nawaz Sharif this time, its traditional leadership has bottled itself up. Unable to initiate large scale political or social reform, the country's leadership is clearly on the decline.

In Pakistan, every poll has been a snap affair and the fifth elections in nine years failed to enthuse the people beyond a point. The people seem to be thoroughly disenchanted with the politicians and might start looking up to the army. If this is the case with those who didn't vote, there is something to be learnt from the overwhelming choice of those who voted. The spectacular success of Nawaz Sharif will have to be understood in the light of his close proximity with the army generals.

On the face of it, Sharif couldn't have asked for more. He is back as Wazir-e-Alam, meaning the prime minister, after three years. Benazir's Pakistan People's Party has been trounced everywhere. She is one of her 15-odd party candidates who have managed to romp home. With more than 135 seats in the 217-member national assembly, Sharif's Pakistan Muslim League(PML) will form a government of its own. In the provincial polls, the PML has swept his home state of Punjab. His party will also will form coalition governments in Baluchistan and North-West Fronteier Province along with regional parties.

More crucially, Sharif will be in a position to manipulate the government- formation in Sind, the home province of Benazir where her Pakistan People's Party (PPP) was badly mauled. Sharif had struck a tactical alliance with the PPP faction led by Ghinva Bhutto, the Lebanese widow of Benazir's brother Murtaza, who was slain in a gun battle with the police under suspicious circumstances. Ghinva herself lost to Benazir's mother Nusrat, but her party candidates cut into Benazir's vote banks in several places.

The Mohajir Quami Movement (MQM), the party of migrant Muslims from India, would have liked a hung national assembly. The MQM had built up its base steadily through these turbulent years. Its leader Altaf Hussein, exiled in London, was hoping to expand on his terms of bargain. The MQM has managed to win 22 seats, mainly in Sind, but will not be able to dictate terms to Sharif. It is now a difficult to say whether Sharif, with his powerful Punjabi base, will listen to the MQM.

The biggest loser, of course, was cricketer-turned-politician Imran Khan who lost in all the nine seats where he had contested. The western media had built him up but the angry Pathan's Insaaf (Justice) Party couldn't pull off even one seat, though he tried hard to paint both Sharif and Benazir as cynical politicians who had to be dismissed from office. Imran Khan can perhaps take consolation from the fact that his party did not have much of a team. His campaign against corruption was unrelenting, but he was bogged down by too many personal controversies like the nasty Sita White affair.

Benazir has alleged massive rigging in the polls, something which is not corroborated by the International Observers Team led by former Australian prime minister Malcolm Fraser.

Benazir has also spoken of a pact between President Farooq Mohammed Leghari and Sharif to get the latter into office. On the other hand, Leghari, her one-time ally, will feel that his decision to dismiss her government has been vindicated. During the run-up to the election, the country's supreme court had upheld his dismissal decision, stunning Benazir. Benazir hit back hinting that the supreme court consisted of a Punjabi judge clan which had reinstated Sharif in 1993. Dismissals of fellow Sindhis like Mohammed Khan Junejo had been upheld by the apex court in the past, she pointed out.

In the meantime, the charges levelled by Leghari - that she was leading a bunch of corrupt ministers and that she was trying to threaten the judges into submission - have really stuck on her. It is also certain that Sharif will vigorously pursue the cases against Benazir and her husband Asif Ali Zardari who was jailed for corruption and remains a key suspect in the Murtaza murder affair.

Just before the elections, Leghari has tightened the screws on all political parties. A new set of tough laws including disqualification has been set into motion to deal with corrupt politicians. Under the law, Benazir, if found guilty of corruption, can be immediately disqualified as a legislator.

Leghari also seems not that much satisfied with Sharif. One of Leghari's sons is actually fighting court battles against a PML candidate who's alleged to be corrupt.

The most significant of Leghari's moves is to set up the Council for Defence and National Security (CDNS) during the tenure of the interim government of Meeraj Khalid to give a decisive say to the army in the running of the civil administration. This step is only a formalisation of an old arrangement since Pakistan has gone through several phases of martial law in the last three decades. The army has a tough patriarchal culture shared by the feudalistic elite of Pakistan.

Sharif can still hope to build on his massive mandate, but he has an extremely tough task ahead. He is definitely closer to the army than any other leader. Hence, he will not like to cross swords with the CDNS. PML's moorings are in the patriarchal and feudalistic society of Punjab. This will definitely prevent him from reaching out to the middle and poor classes, even if he wants to. This is the same case with Imran Khan also. On the contrary, Benazir's PPP was always in a better position than the PML to mobilise the poorer classes, but her party never really fulfilled its historic objectives of removing poverty and ensuring literacy and health for the masses.

Pakistan's problems thus remain multifold. To create a favourable climate for investment, the country needs a stable and democratic polity. This still remains a distant dream, with the shadow of the army looming large behind every action of the executive, be it the president or the prime minister.

The country also needs to honour its commitment of paying back its current debts to international finance organisations. To satisfy the basic needs of its people like health and education, Pakistan needs to decisively cut down its defence expenditure. This can be done by establishing a dialogue with India on the Kashmir issue. This route might require some sort of compromise on the United Nations' resolutions on Kashmir.

It is well known that a number of western countries including the United States are pushing for a solution of this kind. Outgoing US assistant secretary of state Robin Raphael met all the Pakistani leaders in this connection just before the elections. Sharif has spoken of bettering ties with India by resolving the Kashmir issue once and for all. Even if he succeeds, the army generals may not allow this path to be pursued for long, for they fear any cutback on defence spending.

The other option for Pakistan is to ensure a speedy resolution of the Afghan crisis in its favour. It is here that the interests of Pakistan and the US come together. It will be Pakistan which will openly back Taliban and the US can make un-

(Continued on next page)

PUNJAB WITNESSING A NEW PHASE

by G.Ramesh

It is a foregone conclusion that Punjab will elect the genial Akali leader Parkash Singh Badal as its next chief minister. When the Congress(I) had formed the government in 1992 with the Akali parties having boycotted the polls in the troubled Indian border state, the polling percentage then was less than 30. The 1997 scene is vastly different and the turnout will be very heavy, almost 65 per cent. Badal's Akali Dal, which is contesting 94 seats in alliance with the Bharatiya Janata Party, is all set to form a government on its own in the 117-strong state assembly.

With Sikh militancy ebbing after a turbulent decade, Punjab is witnessing a new phase. The Sikhs, as Professor J P S Uberoi states in his recent book Religion, Civil Society and State, have always felt that they are very much a part of the subcontinent's cultural matrix of social change, reform and reconciliation. The majority of Sikhs have clearly recognised this and will use this opportunity to reassert their key position within the Indian political mainstream.

Badal is a veteran of 50 years of politics and is widely respected by all sections of Punjabi society. His stand of keeping the Sikh masses away from communalist outpourings in the face of even the worst provocations is bound to succeed. BJP leader Atal Bihari Vajpayee has had a special place in the heart of the Sikhs after his bold intervention on their behalf during the 1984 riots in the aftermath of the Indira Gandhi assassination.

The Akalis and the BJP, nevertheless, are at loggerheads over a number of issues. The 1973 Anandpur Sahib resolution, which demands full scale autonomy for Punjab, is usually castigated by the Indian statists as a document for Khalistani secessionism. What they have failed to see is that the document provides the most resilient basis on which a new federal India should be built. The Congress(I) and the BJP, even now, view the document, by which all Akali groups swear, as dangerous.

Pitted against the Badal-BJP combine is the Congress(I), which could not come into an alliance with the Bahujan Samaj Party (BSP) led by temperamental Dalit leader Kanshi Ram. Kanshi Ram is a hard bargainer and told the Congress(I) that he would not settle for less than 69 seats. The Congress(I), as usual, is bogged down in infighting. Beant Singh, who led the party to victory in 1992, had been assassinated. His successor, the sedate

Harcharan Singh Brar, had to quit as chief minister three months ago, as the party wanted a new image for itself to face the elections. The new chief minister, Rajinder Kaur Bhattal, is yet to make an impact on the political scene. Her shrill campaign targetting the Akalis as secessionists is not bound to cut much ice with the electorate.

The BSP ultimately struck a deal with the Akali Dal faction led by Simranjit Singh Mann, who was once the police officer known to have been friendly to the controversial Sant Jarnail Singh Bhindranwale. Mann was dismissed after the army stormed the Golden Temple. He spent five years in jail and the next two years as an MP. He is favoured by the militant sections of the Sikhs, but he is unable to carry with him other sections of the Punjabi society. His alliance with the BSP is bound to yield some success, but he is not favoured to win the Raipur seat where he is pitted against Badal.

Badal, one of the richest farmers of Punjab, has seen it all. For his resistance, he was jailed during the 1975-77 emergency. Immediately thereafter, he became the union agriculture minister. He went on to become chief minister of Punjab. His government was vindictively dismissed by Mrs Gandhi when she became prime minister. He remained sidelined mainly due to the Congress(I)'s machinations and the rise of Khalistani militancy in the 80s. The militancy took a heavy toll in terms of lives of leaders and youths of the Sikh society. The situation became so bad that even moderate leaders like him and Surjit Singh Barnala were jailed under the National Security Act by the Congress(I) regime. Now, Badal has the chance to return to power.

Any leader who is sworn-in as prime minister in India has to go to the Golden Temple at Amritsar to pray. (Of course, those in the Congress(I) may not do it). However, none of them, including V P Singh, Chandra Shekhar, Vajpayee and now Deve Gowda, have any will to seek repentance for the whatever happened during the army's decision to storm the Golden Temple. Even as they seek to open a new chapter, they wish to close the old chapters. This is simply not in keeping with the hoary mystical tradition inaugurated by Guru Nanak which puts its emphasis on surrender to the Waheguru (meaning the spiritual, all-encompassing Self)!

Meanwhile, there are stark reminders of the dark days which Punjab had to go through. Senior Punjab government officials last month received summons in connection with the mass cremation of hundreds of bodies of unidentified youths during the peak of militancy in the state. The National Human Rights Commission issued the summons following a Supreme Court order on a petition filed by the Committee for Information Initiative on Punjab alleging disappearances and encounters faked by the dreaded Punjab police led by K P S Gill. A central probe done on court orders had confirmed that "585 bodies had been identified, 274 partially and 1,258 unidentified". The most shocking thing has been that J S Kalra, the secretary of the human rights wing of the Akali Dal, who first brought to notice the mass cremation of unidentified bodies by the Punjab police, has himself been missing for several years now. ●

(continued from page 24)

easy gestures of justly condemning the Islamicist outfit's extreme deeds in Kabul. Both the US and Pakistan will be happy if the Taliban clears the route for oil to flow from central Asian states to the Arabian Sea. This will ensure that Pakistan will have a chance for economic development. (This was possibly Gen Zia-ul-Haq's dream canvas for a future Pakistan). However, there seems no immediate end for the protracted Afghan war.

Pakistan has a third, difficult option. It can mend fences with India and establish closer cultural and economic ties with India and other countries of the subcontinent. The time is ripe for such a coming together, as evidenced by the recent tumultuous welcome accorded by Calcutta to more than 200 members of the Pakistani intelligentsia. Interestingly, the Pakistani nationals had been given visas to cross the Attari-Wagah border by road and travel to seven cities in India. They were unanimous in calling for full scale restoration of ties between India and Pakistan. This will have to be done soon as Pakistan cannot get isolated at a time when India is fast normalising its ties with most countries in the subcontinent and China. The Kashmir tussle is a major one to be resolved but Shariff seems keen to break new ground in this. The other option for Shariff is to wait for the Afghan tangle to be resolved so that oil from Central Asian states can start flowing through Pakistani ports. However, this is easier said than done. It would be profitable for Pakistan and easier for Shariff to think of starting full scale trade relations with India leading to improved political relations. However, it is a moot question whether he will choose this option; if he does, he may not be allowed much time in office once again. ●

LANKAN TAMIL ISSUE TO THE FOREFRONT AGAIN?

T N Gopalan

Almost exactly a decade ago political parties across the spectrum vied with each other in flying into Madurai and expressing their solidarity with the suffering Lankan Tamils.

And perhaps it was not too much of a coincidence that a couple of moths later the Indo-Sri Lanka Pact followed. In some ways the Tamil Eelam Supporters' Organisation (TESO) conference organised by the DMK then had indeed served to put pressure on the then Rajiv government.

Could the Pattali Makkal Katchi (PMK)'s own rally in Chennai on 1 February hope to have a similar effect?

It was a massive show by any standards. At least a hundred thousand men and women were mobilised. Evening traffic was thrown out of gear for nearly seven hours.

Many strident speeches were made like this one by Mr George Fernandez MP - "How could the tragedy in one family paralyse all our initiatives? Howsoever important that family might be, we must also bear in mind that the continuing tragedy of millions of Sri Lankan Tamils is much more heart-rending and warrants immediate redressal..."

And barring an odd eulogising reference to the LTTE and Prabhakaran himself, the stress throughout was on the plight of the Lankan Tamils and an almost unanimous demand was for a political solution to the ethnic tangle.

Still the conference will not be seen as representing a watershed or as reflecting the ethnic solidarity of the Tamils of this country. It will be seen as a purely PMK effort to reinforce its own image as a champion of the Tamil cause and also yet another attempt by a beleaguered Tigers to whip up support for itself in Tamil NADU.

More important the rally will have little impact on the Centre which is now gloating on its Gujral doctrine of non- interference in the affairs of neighbours. Chief Minister Karunanidhi himself is having a sign of relief that the rallyists did not raise too provocative slogans or make incendiary speeches - no embarrassment of having to crack down on someone for taking up the Lankan Tamil issue.

The visit of Indian Foreign Minister I K Gujral to Sri Lanka, his virtual carte blanche to President Chandrika - do what you like in dealing with the ethnic question - the furore caused by a meet organised by the pro-Tiger lobby at Bangalore, the indirect ban on a similar attempt at Madurai and bogey raised in the media over the PMK rally apart from the visit of firebrand Vasudeva Nanayakara and a Buddhist monk to Chennai, all of these seemed to suddenly project the Lankan issue onto the forefront yet again.

The November conference of the PMK at Chennai has already been commented upon in these columns. Such was the ruckus created by the Press, the state government was forced to round up a couple of speakers for their pro-LTTE statements and thus prove its "patriotic credentials."

The pro-Tiger lobby was so taken in by its own rhetoric that little was said of the agonies faced by the refugees and the practical problems they faced inside and outside the camps and they all revelled in extolling Prabhakaran's exploits.

The Bangalore meet was an even more blatant pro-Tiger exercise. Again the media flare-up was there. But since the Karnataka government was under no compulsion as was the case with the DMK administration, it let the matter pass. But the result was negative again. For no-one was shedding tears over the plight of the Lankan Tamils. Instead concern was expressed over the fact that "the Tigers were on the rampage", especially so when Mr Deve Gowda was frequently visiting his home state. After all the suspected Rajiv assassins had taken refuge in Karnataka.

It was in such circumstances Gujral's visit to Colombo came about. For the records at least he would have nothing to do with the ethnic tangle. He seemed more concerned with the trade relations, though in passing he also raised the issue of the recurrent firing on the Rameswaram fishermen by the Lankan Navy.

He was actually very keen to trumpet the soundness, nay, the greatness of the Gujral doctrine.

But pray what is this great doctrine? "Non-interference in the internal affairs (of another), full respect for its sovereignty and territorial integrity, not allowing Indian territory to be used against any of its neighbours and resolving any dispute through bilateral discussions." in the words of Gujral himself.

The Ganga Water Treaty with Bangladesh is considered a prime example of the success of the doctrine - India was able to clinch a deal with that country on the vexed Farakka Barrage issue by scaling down the water requirements of the Calcutta port. While none could dispute the need to be generous, especially vis a vis a smaller neighbour, one has to note that success of one part of the doctrine does not validate the rest of it too. Certainly the insular approach will not be valid for all times.

But the Centre would not care less. Even when Ms Chandrika came to this country on a private holiday and called on Deve Gowda, he or Gujral did not have the courtesy of consulting the Tamil Nadu Chief Minister. West Bengal's Jyoti Basu could be deputed to Bhaka for sorting out the barrage issue, but the same courtesy would not be extended to Karunanidhi. And when the matter was raised in the media, the latter had to put up a brave face and claim that anyway he was in touch with the Centre, that Gowda had indeed raised the issue of the fishermen, etc. Even after Karunanidhi called on him at New Delhi on the eve of his Colombo visit, Gujral asserted that he would have nothing to do with the ethnic tangle and that he was not going to make any suggestions to Chandrika this way or that. Karunanidhi had to swallow it and return quietly to Chennai.

Later when the matter was raised in the Assembly, he clarified that when he said that his policy was that of the Centre's on Lanka, he was only referring to the ethnic issue but that on the refugee problem and the fishermen's plight, his government had its own views and that it could not remain indifferent. But then his government did precious little to either mitigate the sufferings of the fishermen or make life that much more comfortable for the refugees.

Both when Chandrika was here and Gujral was there, there were incidents of firing on the fishermen, but the DMK regime did not go beyond formally registering its protest.

If anything refugee youths on the merest suspicion of militant links are sequestered away in special camps, an euphemism for prisons. Though some educational concessions have been restored to the refugee wards. Certainly the refugees are no more a hunted lot as they were during the times of Ms Jayalalitha. But problems in the camps remain and there are reports of arbitrary relocation of the inmates disrupting the studies of many boys and girls. Besides fishermen found transporting refugees are still proceeded against.

Clearly while Karunanidhi might be loath to part with his image of a "saviour of Tamils", he is not going to stretch his neck too far out - saving his throne and possibly bequeathing it to Stalin seem to be the overriding considerations before him now.

And so when Nedumaran and company, easily the most prominent among

the Tiger lobbyists, sought to organise a meeting at Madurai with Mr Vasudeva Nanayakara MP and Ven Baddegama Samitha Thero, a radical Buddhist monk and a member of the LSSP among the guest speakers, the local police quietly turned the screws on those who had agreed to rent out their hall for the meet and made them retract - the idea had to be given up. But a similar meet organised by the Indo-Lanka Friendship Society at Chennai was allowed to go on - evidently because the government knew for sure that no pro-Tiger noises would be made at the meeting.

Again on the eve of the PMK's rally, the atmosphere became surcharged. Like what it did in 1992, it might raise secessionist demands and glorify Prabhakaran, commentators apprehended. When it foolishly sought to underscore that "most of the victims (in the island) were Hindus" in a bid to rope in the support of such communal outfits as the BJP and the more rabid Shiv Sena, abandoning its secular platform for the moment, the press charged it with playing the communal card. And then there were write-ups wondering how could a party like the BJP dare flirt with such a dangerous party like the PMK. Ultimately both the parties backed out. Also there was this campaign that the Tigers were behind it all.

Then Karunanidhi threatened to invoke the National Security Act (NSA) against anyone who made pro-LTTE statements at the rally. He also expressed his hope that Dr Ramdas would not do anything that would embarrass the state government. In the event the Pmk did live up to its promise. There indeed were such statements like, "Tamil Nadu would go separate if the problems of Eelam Tamils were not solved. There would be a bloodbath here."

PMK leader, Mr Dheeran said that if the Tamils were respected in the west that was because of the unparalleled valour of the Tigers.

But by and large it was an avowed attempt to highlight the sufferings of the Sri Lankan Tamils in general.

Even Ms Madhalin Michael, representing the Tamil Eelam Solidarity Organisation in Switzerland, confined herself to observing that the Tamil struggle in Sri Lanka was for justice and equality and that the ethnic struggle and denial of basic human rights of Tamils had become an international issue. Again there were no hosannas for Prabhakaran.

The media now finds itself stumped. Those who used to see Tigers under every bed are at a loss for words now. If only The PMK and other Prabhakaran aficionados had adopted a similar strategy earlier, concentrating solely on the plight of the Tamils and the lack of progress on the devolution front, they would have succeeded in disarming the hardened anti-Tiger quarters.

Such an approach would have meant that the middle class revulsion following the Rajiv assassination and the Padmanabha killings on this soil had been appropriately taken into account.

At their press conference and at the public meeting which followed, both Mr Nanayakara and the Buddhist monk unequivocally declared that they were fully appreciative of the Tamils' cry for a separate land of their own and pointed out that a long history of treachery by the Sinhalese chauvinists had provoked the ethnic war. The stormy petrel of the Lankan politics, the LSSP MP, also criticised Chandrika for allowing herself to be hemmed in my militarists and failing to push through a broadly acceptable devolution package. He also demanded an immediate end to war and resumption of dialogue with the Tigers.

Coming from a Sinhalese MP such a statement should have been found quite striking by the media. But the coverage of his comments were cursory. A paper like The Hindu which never misses an occasion to hit out at the Tiger-lobby completely ignored the visit of the two. The Tamil press did evince some interest, but the salient points and their significance were not sufficiently highlighted.

Interestingly at the public meeting, during the question-answer session after a very reasoned exposition by Nanayakkara, some Tiger-supporter chose to attack the MP for his "hypocritical" stand.

"How could you express yourselves in support of the right of the Tamils to self-determination but say at the same time that you would like the Tamils and Sinhalese to live as part of the same state?" wondered a learned professor.

An expatriate Lankan Tamil living in South Africa and who happened to drop by charged that the MP and the monk were the agents of Chandrika and that they were only trying to shore up her sagging image.

Yet another wanted them to champion the Eelam cause without any reservation among the Sinhalese and acknowledge that the Tigers were the sole deliverers. Clearly the Tigers and their supporters would like everyone to recognise the LTTE as the sole legitimate voice of the Lankan Tamil community, endorse its ways uncritically and call upon Chandrika to step off the gas and go in for talks.

Whatever the legitimacy or desirability or feasibility of such a prospect, given the current ground realities in the island itself, they do not seem to realise that history cannot be unmade. That in the context of whatever had happened since 1987 it is best to work for a common platform in India through which pressure could be brought on the Indian government in order to make It give up its non-interventionist doctrines and rush to the rescue of the beleaguered Tamils of Sri Lanka.

Still if a group like the PMK learns or at least beats a tactical retreat, there is hope for the future perhaps. ●

THE TRAGIC TALE OF THE SHIPWRECKED YAVANAS

By G Ramesh

The expression Yavana in archaic Tamil texts denotes one who came over from the Ionian sea. Evidence has it that Tamils and other ship-building cultures of the subcontinent had traded with ancient Greece and Rome, by crossing the Mediterranean.

Alas, the same Ionian sea now swallows the youth of the sub-continent, including Tamils, who flee their homes and set out in ships to somehow enter Europe.

It is still not clear as to what brought the 464 youth from Punjab (in India), Pakistan and Sri Lanka together on board the Yiohan, a ship with fake registration numbers from distant political chaos and pressures in their homelands ? Impulse to ake it big in West ? Join their relatives already-in-exile ? Or all of them ? In any case, most of them had paid to agents uge amounts, ranging from Rupees four lakhs to ten lakhs aited for long before travelling by various routes to Turkey, yria or Egypt. Some of them had been sailing for two months!

The ship Yoihan had touched several ports including Adana(Turkey), Alexandria (Egypt) and Malta near Sicily. Tragedy struck the youth on the Christmas eve. They were asked to disembark from the ship in the Ionian sea and forced to get into an already overloaded ferry which was supposed to take them to the shores of southern Italy. The ferry hit the ship and simply sank. The crew didn't care and moved on. The youth in the ship watched as 289 of their counterparts were drowned.

Only 22 could ultimately survive the ordeal. Some who were pulled back into the Yiohan died and were thrown overboard. Thus, brothers and friends were lost to the angry sea. The remaining, numbering 175, sat still as the ferry took them to Sipia beach in Nafpleon district of Greece. They were promptly caught, separated into four batches and quarantined in distant farmhouses. Two lots escaped once again. More than 100 were rounded up, but 68 had fled to Athens, eager to join their Punjabi counterparts illegally living there.

The Christmas tragedy, however, came to light very slowly after the arrested youths spoke out. Searches by Greek and Italian teams yielded no evidence - no wreckage, no bodies.

The ship, Yoihan, too was never found. Nevertheless, Gurdeep ingh Bedi, the Indian ambassador to Greece, who spoke to each of the survivors, was convinced of the veracity of their accounts. Yes, more than 275 persons did drown, he says. And indeed, there were Sri Lankans among them.

Some Sikh survivors returned to Punjab, thanks to the assistance provided by local Gurdwaras. Their horror stories got published in the local media. Later, investigations done by magazines and India Today and Frontline revealed that the majority of Punjabi youths hailed from the Doaba belt. The region has a flourishing agro-economy but the disgruntled youth there seem to want to make it big quick. The youth have dreams of settling ultimately in Canada or the United States.

There's enough craze for anything foreign here. Traffic from areas like Ropar to Greece and Italy is tremendous. There are young taxi drivers, a legendary profession for Sikhs, who have made it till Greece and returned after failing to get beyond. Some of the youth had been part of the Khalistani groups and want to escape the Indian laws.

The Indian state of Punjab alone contributes at least 2,400 youth annually to a Rs 50 crore migrancy industry. Most of the money goes for bribing customs and immigration officials enroute and the rest is pocketed by recruiting agents in Jalandhar, Delhi and Bombay, the latter two being the exit routes.

And Sri Lankans who make it to Europe are predominantly Tamils fleeing the war. The transit points include Katmandu, Bangkok, Hong Kong, Gulf cities and Turkey, Cyprus, Greece, Moscow and eastern European countries like Romania and Hungary.

Illegal immigration of subcontinental youth is an old story. Once, the destination from south India was Malaysia or Singapore. In the seventies, a lot of Muslims from Kerala, Hyderabad and Uttar Pradesh left for the Gulf for better jobs. With political conflicts intensifying, youths from north of Sri Lanka, Punjab and Kashmir fled to western Europe and northern America.

The honourable modus operandi of destroying one's passport while on board an airplane and claiming refugee status later does not seem to work any longer. It is all back to sneaking, since air travel visa rules have now been tightened. The agents prefer to use illegal ships. The immigrants travel to the transit points and are taken on board. Disguised as sailors or deck hands with forged Panama passports, they are made to disappear into southern European ports. They make their way into Italy or Greece as cheap farmhands.

The ships take some as far as the United States or Canada. Other aspirants fly from home to Moscow or destinations in eastern Europe. They are put inside freight containers in trains bound for Bulgaria, Serbia and Poland. They are left to fend for themselves when the trains ultimately take them towards Austria, Italy or even Germany.

The entire story may have been foretold by the great Mexican writer Carlos Fuentes in his 1977 novel Terra Nostra. In the novel, Fuentes makes the descendants of the New World travel to Paris, the cultural capital of the world, and take it over for whatever conceivable reason. Fuentes doesn't explain further. He makes the river Seine turn hot, sizzle and boil over like the Brazilian Amazon before running into the English channel. As if Fuentes knew that his novel had to pay tributes to those from the subcontinent who were to drown in the Ionian sea 20 years later. ●

Book Review

EXPLORING CONFRONTATIONS: SRI LANKA, POLITICS, CULTURE AND HISTORY

by MICHAEL ROBERTS

Harwood Academic Publishers, PO Box 90, Reading RG1 8JL, UK

Michael Roberts, one of Sri Lanka's few Rhodes scholars (The scheme was suspended shortly after it was launched) scion of a distinguished legal family, a recognised historian of wide repute, highly respected in Sri Lanka as well as in the Commonwealth for his intellectual prowess has written an entrancing book of memoirs from the days immediately preceding independence to the present parlous straits to which Sri Lanka has been reduced after two anti-Tamil pogroms, several Sinhala riots against the Tamils, and a bloody war by the Sinhala dominated state against the Tamil dominated areas in the Northern and East provinces.

The book is also generously interspersed with thirty-three plates of moments of great historical import together with pictures in them of leading Sri Lankan politicians. Robert's comments on these players are unfortunately not sharp enough to highlight the volte face of Trotkyist leaders.

Throughout the book there is a running thread that seeks to link Robert's thought processes in some meaningful manner. This is the "Asokan Persona" (pp.24-33).

It is part of the Sinhala world and "refers to practices which embody authority of Pope and King" (p.29), the figure of the cakravarti or the Universal Emperor in Indian Civilisation, is a central element in my model of the "Asokan Persona" emphasises Roberts.

The Trotsky pictures tell us a sad story of the decline and fall of the largest Trotskyist party in the world - the Lanka Samaja Party (LSSP) (the Ceylon Equal Society Party). Two other historical episodes are described and analysed with the tools of an anthropologist. The first of these, the "scuffle" at Maradana Junction Bridge on 5 February 1929 is richly interspersed with Roberts's insights as a socio-anthropologist.

A whole new picture emerges where otherwise in the hands of a conventional historian, the incident would have been disposed of with a few paragraphs. Chapter Nine (I shall have you slippered: The General and the Particular in an Historical conjuncture") provides a detailed analysis of symbols and speech as to what was really meant by the exchange of words between the labour leader A E Goonesinha and the guardian of the law Inspector Fallil. In a tiny microcosm we are given a splendid account of British rule in Sri Lanka and arising from it, the deductions that could be drawn from the imperial ruler's behaviour patterns.

The inference is that both sides were intransigent and contributed in no small way to Britain's continuance in Sri Lanka. The Tramway Strike of February 1929 was the first industrial action and the first of its kind, though earlier, Goonesinha had led a strike of carters as well. The second of the episodes deals with the imminent problem - the Sinhala-Tamil conflict - now almost incapable of solution. The chapter's title reveals everything, "Ethnic Conflict in Sri Lanka" and its subtitle is even more revelatory, "Barriers to Accommodation". The advantage that Roberts has in interpreting this perpetual conflict is that he is as a member of his community (the Burgers) viewed as being above the conflict.

One of the last chapters, "Ethnicity in Riposte at a Cricket Match: The Past for the Present" is an attempt to interpret some rude remarks exchanged between spectators at a cricket match between an Australia side and Sri Lanka" on May 1981.

The remarks are subjected to Roberts penetrating scrutiny and use of the anthropological method in interpreting the past

(Continued on next page)

Readers Forum

REV. BALASURIYA

I appreciate the good coverage to the ex-communication of Catholic priest Rev Fr Tissa Balasuriya in the Tamil Times of January 1997 issue. The photograph which appeared in the cover also gave me a glimpse of how Fr Balasuriya has "aged", after 25 years, when I saw him regularly at the Aquinas University College. While he was the Rector there, I was an Advanced Level student at that time. This gives me a distinct perspective on commenting on the controversy caused by Fr Balasuriya is not reprehensible. Being an educator himself, he should have known that discipline is one thing a good teacher or a father in a well-behaved family holds steadfastly.

However clever a student (or a child) is, one cannot do pranks against the teacher (or a father) and plead that he should not be punished. The illogical plea of Fr Balasuriya's reasoning is puzzling indeed. If he has doubts on the basic tenets of Catholicism, then he could voluntarily leave the faith and campaign for a new religion on his "Liberation Theology" platform. But he insists on remaining within the Catholic faith, while not subscribing to its basic tenets. This shows that Fr Balasuriya is not only a cleaver theologian, but also too clever to push himself to the stage, and to share the spotlight with the Pope.

There is no doubt that Fr Balasuriya is one of the articulate intellectuals produced by Sri Lanka. But from my personal experience, I have an alternate opinion on whether he is "Sri Lanka's greatest Catholic crusader for social justice and human rights". I accept that he may be a great crusader for social justice and human rights for Sinhalese. But for Tamils, I'm not impressed by his past record. I measure my words here, and cite only two examples with which I am familiar. In 1970-71, when I was a student. Aquinas University College had a significant proportion of Tamil teaching staff as well as Tamil students. There was much consternation amongst us about the "liberalism" (a better word is 'Sinhala populism') preached by Fr Balasuriya. One of the seeds of current ethnic unrest in the island, the 'standardisation scheme', was introduced by the Sinmavo Bandaranaike regime around that time. I do not remember Fr Balasuriya making any statements or campaigning against the standardisation scheme. He utterly failed as an enlightened educator and opinion-maker among the Sinhalese to criticise this violation of human rights against the Tamil students. However a few Sinhalese educators had the courage and came forward to criticise this discrimination. Notable amongst them were Professor Hilary Crusz (Zoology Professor, Peradeniya University) and Dr Chandra de Silva (history lecturer, Peradeniya University). But Fr Balasuriya was not in that enlightened group.

The second example I mention to support my view happened in 1977, after the general election. Fr Balasuriya took a vehement stand that the Tamil vote in that election was not for a separate state. His stand on that issue, his statistical analysis of the poll data and assessment of the mood of Tamil voters was far from perfect, as was pointed out then in the columns of Colombo Tribune Journal by journalist S Sivanayagam, Fr Joseph Mary and me. I grant that he was entitled to his view on the 1977 Tamil vote for a separate state, but he failed miserably in understanding the human rights concern of Tamil voters and tried to distort the real picture by his eloquence and standing among the Sri Lankans. Though he was my rector at the Aquinas University College previously. I felt that even guides can mislead. His 1977 campaign against the 'Eelam vote' instilled in me confidence to present the Tamils' case in the English journals and newspapers and I thank him for giving me that inspiration.

Having been born as a Hindu, I have not had the opportunity in being influenced by Christian clergy during my formative years. I can count only Fr Balasuriya and Fr Joseph Mary as influential in influencing some of my thoughts and actions. While I respected Fr Balasuriya's clever, public-relation skills, I was more touched by the catholic spirit of Fr Joseph Mary. So I was glad that Fr Joseph Mary was on my side when I locked horns with Fr Balasuriya on the Eelam vote issue.

Sachi Sri Kantha
Shizooka 437-01, Japan

Force of Arms and Peace

What was submerged with the abandonment in 1943 when it first reared its head through the then member for Kelaniya, surfaced openly with the stamp of legality on the enactment of the 'Sinhala Only' Act in 1956. Consequently alienation gained momentum every time anti-Tamil violence was perpetrated on innocent and defenceless Tamil people. They were naturally driven only by the restlessness of their consciences to support political organisations and movements which they felt could restore their dignity, equality, right to life and liberty. They were also left with no other alternative other than to support such struggles as all pacts entered into with the successive governments were torn before the ink was dry. The alienation was complete with the volte-face of the Left parties. The competition for insatiable power knew no bounds and all parties vied with one another in arousing the basic instincts in man. This found the Tamil people totally isolated. The leaders of parties and movements who tasted power and privilege began to serve themselves and their parties at the cost of the country, a phenomenon common after independence.

The national Problem therefore to remain eluding a permanent solution while devastation, ruin and death caused by the war enormously mount in terms of man and money. The psychological effect has been monstrously cruel and shall linger in the minds for some generations.

The soldier has to believe in victory and if he lacks faith he is unfit for the task. The politician has to see such military success from a different angle. What is an end in itself for the soldier is a means to an end for the politician for realisation of his/her political programme. If the military success can be increased and the adversary is exhausted, then the politician=s task is relatively simple. He/she needs only transform the draft into true copy. The task is different and becomes more complicated if the military success can then no longer be evaluated as potential means of coercion but only as a means of pressure.

Hence to assume that the future could be built on the unhappiness of other people, built on the suppression of human dignity is a terrible error and terribly have the successive governments paid for such intransigence. History has not recorded any instance where peace was imposed by force of arms. So, let us not continue to take cover under various pretensions of wishful thinking and hollow concepts and march towards ruin. Let us be honest and sincere to find a permanent solution to the National Problem of the Tamil people without dilly-dallying and all other problems will solve by themselves.

T S Kumaresan - Jaffna

(continued from page 28)

and the present. There are some fresh insights here.

The twelfth chapter, "The 1956 Generations: After and before" is an excellent analysis and assessment of the social forces behind the 1956 upheaval in Sri Lanka. It should be read for an understanding of the events preceding and succeeding the socio political bloodless revolution of 1956 that displaced westernisation and brought the pendulum back in time to a Sinhala Buddhist consciousness and revival. To this extent this chapter is a masterpiece in socio-political writing and is essential reading for all those who want a comprehensive and insightful understanding of what brought about the massive peaceful electoral change of 1956.

Roberts packs in a mass of information in this chapter drawing attention to key events in Sri Lanka's rites of passage in a forceful and challenging style.

Chapter thirteen, "The Agony and Ecstasy of a Pogrom: Southern Lanka, July 1983" is the tragic story of a terrible and sordid story of the killing of two middle class Tamils by barbarians who crossed the gates.

A question that Roberts' sensitive soul tries to come to grips with but is not quite successful is which side of the barricades is he in.

The last chapter (14), "A Biographical Epilogue" is a summing up of Roberts' evolution during the dangerous years of Sri Lanka's tryst with destiny. How did the external world influence the interior of his soul is one of Roberts fundamental questions to himself. He endeavours to find his place but alas he will never for in the Sinhala mind he will always remain an outsider, nothing but a lansi mahathmaya, a decent Burger gentleman. ●

CLASSIFIED ADS

First 20 words £10. Each additional word 60p. Charge for Box No. £3. (Vat 17½% extra) Prepayment essential
The Advertisement Manager,
Tamil Times Ltd., PO Box 121,
Sutton, Surrey SM1 3TD
Phone: 0181-644 0972 Fax: 0181-241 4557

MATRIMONIAL

Tamil Hindu brother *seeks vegetarian partner for well accomplished sister, 40, employed in Colombo. Send horoscope, details. M 915 c/o Tamil Times.*

Jaffna Hindu brother *seeks partner for sister, widow, 40, with daughter 6, Mars seventh, Canadian citizen, studied G.C.E. A/L, fair, good looking. Please telephone 0181 455 0093 (UK).*

Jaffna Hindu sister *seeks bride for brother, 35. Send horoscope, details. M 917 c/o Tamil Times.*

Confidential introduction *undertaken for Tamil Christians for parents with professional children seeking suitable partners. – Dr. Royce Arasaratnam, Ipswich Hospital, Suffolk, UK.*

Jaffna Tamil Hindu parents *seek bride for son, 28, working in London as assistant accountant, 5'10", teetotaller, preferably educated girl from London. Telephone 0181 715 3586 (London) 6.00pm to 8.00pm.*

WEDDING BELLS

We congratulate the following couples on their recent wedding.

Vijendra *son of Dr. & Mrs. K. Ponnambalam of 23 Windermere Avenue, Merton Park, Morden, London SW19 3EP and* **Pankaya Vathani** *daughter of Mr. & Mrs. M. Thurairajah of 46 Tamworth Lane, Mitcham, Surrey CR4 1DA on 25.1.97 at Lanfranc School Hall, Mitcham Road, Croydon.*

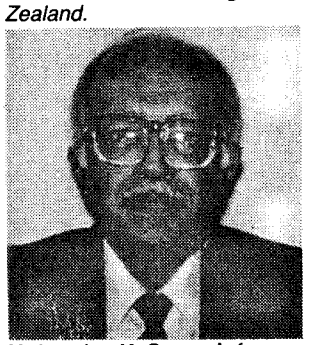
Vijayaverl *son of the late Mr. Velayuthampillai and Mrs. V. Velayuthampillai of 1639 E. Jefferson Street, Apt 204, Rockville MD 20852, USA and* **Rathini** *daughter of Dr. & Mrs. Sivasubramaniam of 11 Walukarama Road, Colombo 3 on 29.1.97 at New Kathiresan Hall, Colombo.*

Jeevakumar *son of the late Mr. & Mrs. P. Kanagaratnam of 'Valarmathy', Rail Road, Kokuvil East, Sri Lanka and* **Shahila** *daughter of Mr. & Mrs. T. Thedchanamoorthy of Champion Lane, Kokuvil East, Sri Lanka on 9.2.97 at Greenford Assembly Hall, Greenford, Middlesex, UK.*

OBITUARIES

Somanader: *Olive, beloved wife of Sam Somanader, Retired Engineer, Irrigation Department, Sri Lanka; loving mother of Geetha (USA), Kala (Canada), Dhaya (USA) and Niranjan (Canada); mother-in-law of Dr. Iswara, Gnanasegaram, Pirapakaran and Jean passed away peacefully in New York on the 25th of January 1977. – 235 Tiber Place, Staten Island, NY 10301, USA.*

Mr. Kasinather Chellappah, *Retired Examiner of Post Offices, Sri Lanka; beloved husband of the late Parasakthy (Kanagamuthu); brother of the late Mr. Manickam and Mr. Eliathamby; loving father and father-in-law of Vivekananthan (G.P., Feilding, New Zealand) and Bavany; Vimala (National Mutual) and Mr. S. Mahadevan (formerly of Hong Kong & Shanghai Bank, Colombo) Johnsonville, New Zealand; Vigneswary (Chandra) formerly of Post Office, Jaffna and the late Mr. S. Pathmanathan (Ceylon Bulbs); Swarna (Indira) and Mr. V. Sivapalasingham (Montefiore Hospital, Bronx, New York); Savithiri (Teacher, Ladies College, Chavakachcheri) and Mr. S. Vamadevan (Govt. Press); Vijayaluxmy (Retired teacher, Drieberg, College, Chavakachcheri) and the late Mr. A. Tharmarajah (Education Office, Kilinochchi); loving grandfather of sixteen grandchildren and four great-grandchildren passed away in his 89th year on 15th January 1997. His funeral took place on 17th January at Nunavil East, Chavakachcheri, Sri Lanka. – P.O. Box 110, Feilding, New Zealand.*



Mohandas K. Samuel, *formerly of Asian Development Bank, Manila, Philippines died at King's College Hospital, London on 4th February 1997. He was the beloved husband of Utaiwan; loving father of Montira (Canada), Manasavee (USA) and Maithri (USA); eldest son of the late Mr. J.M.G. Samuel and Rasamanie Samuel of Chundikuli, Jaffna; brother of Chandra (UK), Indran (USA) and Peter (UK); brother-in-law of Dr. Rajeswaran, Lalitha and Mercy. Funeral took place at South London Crematorium on 8th February.*

The family wish to thank all those who attended, sent messages of sympathy and helped in many ways. – 8 Buckingham Drive, Chislehurst, Kent BR7 6TB.

Mrs. Vimala Sockanathan *of Kokuvil and lately of London expired in UK on 5th February 9. She is the only daughter of the late Assistant Superintendent of Surveys Rajaratnam and late Kannu Akka of Kokuvil; beloved sister of late Panchalingam (Trincomalee), late Yasodharalingam (Tirunelvely) and late Rajasoundaralingam (Valaichenai); sister-in-law of late Krishnapillai, late Packiyanathan and late Sivayogam; beloved wife of late Tampo Sockanathan, Retired Inspector of Food and Drugs, Colombo Municipality; loving mother of Wimal Sockanathan (Solicitor), Yoga Thillainathan (Sun Rise Radio) and Dr. Ravi Sockanathan; grandmother of Rajiv, Thulasi, Sreepathy, Sanjiv and Sowjana. Cremation, took place on Saturday, 8th February in London.*

The members of the family wish to thank all friends and relatives who attended the funeral, sent messages of sympathy and assisted them in several ways during the period of great sorrow. – Tel: 44181 689 7503 or 44181 205 0397. – 727 B London Road, Thornton Heath, Surrey CR7 6AU, UK.

IN MEMORIAM

In loving memory of **Mr. Chelliah Sivasampu** *on the fifth anniversary of his passing away on 9th March 1992.*

Sadly missed and fondly remembered by his two sons. – 15 Wolsey Way, Chessington, Surrey KT9 1XQ.

First Anniversary

In loving memory of **Mr. Vallipuram Sellathamby** *(formerly Attorney-at-Law, Point Pedro),*

on the first anniversary of his passing away on 21st February 1996 in Surrey, U.K.

Sadly missed and lovingly remembered by his wife Saraswathy, children, grand children, son-in-law, daughter-in-law, relatives and friends. – 50 Wiltshire Road, Thornton Heath, Surrey CR7 7QN.

In loving memory of **Mr. Chittampalam Subramaniam (Orator)** *on the third anniversary of his passing away on 18th February 1994.*

Sadly missed and fondly remembered by his wife Annaratnam; children Kandasamy, Gnanaranjini, Pathmasany, Chitsabesan and Dr. Vasanthan; son-in-law Dr. Puvanarajan; daughters-in-law Malini, Kumuthini and Dr. Premila; sister Sinnamma Somasegeram; nephews Dr. Sothinathan and Kanagasabai; grand children Janani, Vaani, Senthuran, Yamini, Lohita, Praneeta, Thayalan, Anjali, Mahen, Mithiran, Lakshman and Rishi.

FORTHCOMING EVENTS

March 1 *Feast of St. David.*

Mar. 5 *Krishna Ekathashi.*

Mar. 6 *Pirathosam.*

Mar. 7 *Maha Sivarathiri.*

Mar. 8 *Feast of St. John; Amavasai.*

Mar. 12 *Chathurthi.*

Mar. 13 *Karthigai.*

Mar. 14 *Sashdi.*

Mar. 15 *Feast of St. Louis; 7.00pm Vembadi Old Girls' Association (UK Branch) A.G.M. at St. Nicholas Church Hall, Church Road (Amen Corner), London SW17. Tel: 0181 395 1407.*

Mar. 17 *Feast of St. Patrick.*

Mar. 19 *Feast of St. Joseph; Ekathasi.*

Mar. 20 *Passion Sunday; 11.00am Colombuthurai Sri Yoga Swamigal Abhishekham and Guru Poojah at Shree Ganapathy Temple, 123 Effra Road, London SW19. All welcome.*

Mar. 23 *Full Moon; Panguni Uthiram.*

Mar. 25 *Feast of Annunciation.*

Mar. 27 *Holy Thursday.*

Mar. 28 *Good Friday.*

Mar. 29 *Easter Vigil.*

Mar. 30 *Easter Sunday.*

At Bhawan Centre, 4A Castletown Road, London W14 9HQ. Tel: 0171 381 3086/ 4608.

Mar. 1 *7.00pm Carnatic Vocal by Mysore Manjunath.*

Mar. 16 *6.00pm Thalavadya Symphony.*

Mar. 23 *6.00pm Kathak by Gauri Tripathy.*

Mar. 29 *7.00pm Bengali Music by Shyamali Basu and her students.*

AUSTRALIAN NEWSLETTER

Australia Day Celebrations: *January 26th, every year has been celebrated as Australia's National Day and is a public holiday to commemorate the hoisting of the Union Flag on the flagstaff erected at Sydney Cove by Captain Arthur Phillip when he as Captain of H.M.S. Supply sailed into Sydney Harbour as part of the First Fleet on 26th January 1788. This year, January 26th happened to be a Sunday, and Monday, 27th January was declared a public holiday and Australia Day Celebrations were held all over the country. The Sri Lankan community organised a Cricket and Netball Festival. The organisation was done by representatives from the Old Students' Associations of Sri Lankan Colleges in Sydney. The Cricket Tournament was organised by the following:-* **Jaffna Central:** *Sasitharan Thillairajah,* **Jaffna College:** *Shan Mugaratnam,* **Carey College:** *Ian de Silva,* **Royal College:** *Prasanna Kariyawasam,* **St. Josephs:** *Kevin Pereira,* **St. Thomas's:** *Graham Masefield,* **St. Peters:** *Meredith Van Reyk,* **St. Benedicts:** *Clement Christie David &* **Wesley College:** *Darrel Maye. The Netball Tournament was organised by Shiranie Christie David and Sandra Thomas.*

The Festival was held at Doonside in Sydney on twin cricket pitches and netball courts available there. The six-a-side, 5 overs cricket tournament was for the Ward & Davy Trophy and was begun in 1992. This year it was a resounding success with 15 teams participating. The Jaffna Schools that competed were Jaffna Central, Jaffna Hindu, Jaffna College, St. Johns and Hartley. The Colombo schools were Ananda, St. Josephs, Royal, Bambalapitiya Hindu, Wesley, St. Peters, St. Benedicts, St. Thomas's, and Prince of Wales, Moratuwa.

The overwhelming majority of the cricketers were young and were probably representing their parents' colleges. Sixes and fours were struck in grand style and fiery bowling with great catching demonstrated that Sri Lankans are great cricketers. Jaffna Hindu met Ananda in the final and the game ended in a tie.

Netball teams representing Vembadi Girls, Chundikuli Girls, St. Bridgets, Ladies College, Good Shepherd Convent, All Saints College and Jaffna College, took part in the competition. The final match was between Jaffna College and Good Shepherd Convent and Jaffna College won handsomely.

A very large crowd of Sri Lankans turned out to enjoy the day's festival. There was loud and enthusiastic cheering and flag waving during the matches. A Sri Lankan band played lively Baila music and everyone enjoyed the Baila dancing at lunch time. Sri Lankan savouries and hoppers were sold at specially organised canteens. It was inspiring to see Sri Lankans of all races enjoying the festival together. A rousing prize-giving capped off a wonderful day.

CANADIAN NEWSLETTER

Spring is coming soon: *Willie, the albino ground hog in Wiarton predicts that winter will soon be over. The famous ground hog according to its handler, Sam Brouwer did not see his shadow when he emerged from his burrow at dawn on Groundhog's Day (February 2nd). According to legend spring is on the way.*

Changes to PDRCC: *Under new changes to Post Determination Refugee Claimants in Canada, the risk review will no longer be automatic. Instead failed refugee claimants will have to apply within 15 days of being rejected by the Immigration and Refugee Board. An application for risk review will have to be filed and submissions received within specified timeframes.*

Cancellation of DROC: *The government of Canada has decided to eliminate the Differed Removal Orders Class from March 1, 1997. since DROC's inception in November 1994 about 6244 applications have been received by Canada Immigration. Of these 4716 (76%) were approved, 873 (14%) were refused. The balance of applications are awaiting final determination.*

Canada Mega City Bill: *Remarks by Municipal Affairs Minister Al Leach and Metro Chairman Allan Tonks, who both support the concept of a unified Toronto City, kicked off what is expected to be 5 weeks of public hearing that winds up on March 5. The proposed 45 member Mega City of Toronto is designed to replace Metro's current 106 elected politicians from January 1, 1998. But politicians, trade unionists and ordinary city dwellers have already started to face off.*

The politicians hold many different views on how to merge the several municipalities. Municipal trade unions representing everyone from firefighters to nurses and librarians are voicing strong opposition. Amalgamation poses several problems from collective agreements to seniority and who would serve in executive positions. Ordinary citizens have begun to denounce it as a plan for the market and big business and not in the interest of the ordinary citizen.

More than 2000 groups of individuals are expected to appear at the All Party Government Committee hearings to be held.

Seniors Central Housing Registry: *In 1997, the points system of allocating housing units to Seniors has been replaced by a new system which is a combination of the old points system and a chronological application order. In the past new immigrant seniors on low incomes were able to*

get housing in two to ten months. Now it might take up to five years or more. They have to apply as early as possible to gain points on the chronological order.

Thai Pongal Celebrations: The Canada Hindu Maamantram presented a cultural festival of Dance Drama and Devotional songs on 11.1.97 at Sir John A. McDonald Collegiate Institute Auditorium. Ms. Alexandra Serneniuk, Director of Arts & Heritage, Scarborough was the Chief Guest. The Manram assists and supports Tamil Cultural activities both at local and national level and has a grand vision of establishing branches worldwide and having their publication 'Saiva Neethy' as an international periodical.

'Sirithiran' Siva – An Appreciation

One year has passed since the death of Sittampalam Sivagnanasuntharam, the editor and publisher of **Sirithiran**, the foremost Tamil cartoon journal. Siva died on March 3, 1996, at the age of 72. He was the doyen of Tamil cartoon art form. He was a living example to the lines penned by the American poet Henry Wadsworth Longfellow,

'The heights by great men reached and kept
were not attained by sudden flight.
But they, while their companions slept,
were toiling upward in the night'.

'Sirithiran', an intellectual fruit, which blossomed from the Jaffna soil had its own culinary quality (sweetness and pungency) and cultured taste, similar to the food products like karuthakozhumban mango and chilli pepper for which the Jaffna soil received its reputation. It held its own for over two decades against the competition of glossy magazines published by the media moguls of Madras. 'Sirithiran' could not afford glossiness in its pages. But the Tamil magazines produced from Madras attested to Einstein's humorous dictum that, 'It's not worth if the wrapper is of better quality than the meat it covered'. Thus 'Sirithiran' found its precious niche and captured the life of Eelam Tamils humorously from many angles. Many other Tamil magazines which were established in Sri Lanka, aping the Madras glossies, folded within short duration, because they concentrated on the quality of the wrapper and not on the quality of the 'meat'.

When 'Sirithiran' made its entry in mid 1960s, I was a school boy at the Colombo Hindu College, Ratmalana. A couple of my classmates bought each issue with their petty cash and most of us read each of those issues from cover to cover, surreptitiously in between class periods. There was much discussion about the title 'Sirithiran', which eludes a good one-word translation in English. The nearest equivalent is 'Why don't you laugh a little?' – a powerful colloquialism used by the elder folks in Jaffna, when the young ones turn a sour face due to some mundane concerns, e.g., Konjam sirithiranraasaah! or Konjam sirithiranraasaathi!

'Sirithiran' Siva cut his journalistic teeth with his cartoon serial 'Savaari Thambar', which poked fun at the idiosyncracies of Eelam Tamils of all ages and all occupations. Like the karuthakozhumban mango and chilli pepper, the sayings of Savaari Thambar were ripe with sweetness and pungency. In those days, for thousands of Tamils, the day would not dawn without reading Savaari Thambar's prophecy in the daily Tamil newspaper. Whatever the land-shaking news of the day in the front page, Savaari Thambar was the first (and probably only!) item many looked forward to read day after day. That kind of reader loyalty tells something about the vitality of Siva's artistic pen, which injected 'vitamins' to the routine and drab life many Tamils were forced to live in Jaffna peninsula and elsewhere in Sri Lanka. He poked fun at the behaviour of Tamils, without hurting or insulting their feelings. There is little doubt that the cartoon character and 'Sirithiran' created by Siva will live in the memories of Eelam Tamils for a long time.

– Sachi Sri Kantha,

Fukoroi City, Japan.

Terrence Francis Wijeyaratnam Balarutnam – An Appreciation

The death of Balarutnam occurred on 4th January 1997, in Ilford, Essex, at the age of 70 years. He was a man of great character, integrity, dignity, and talent. His modesty and contentment with the simple things in life concealed an incisively sharp mind, and his ability to analyse very complex situations and find instant solutions to many difficult problems that others took to him. He was happy to remain a clerk in the Hospital Clerical Service in Sri Lanka. He never wanted promotions that would have placed him in positions where he had to supervise the work of others. He gladly allowed his colleagues to overtake him, in the career structure, in Government service. All that he wanted was his little corner in the office, a tiny territory where he was the master. He would complete all work allocated to him, within a very short time. Then, he would make himself available to a number of people who would want to consult him, whenever they had charge sheets to answer, or disciplinary inquiries to face. Balarutnam enjoyed and excelled in defending other employees before departmental tribunals and inquiries. If people consulted him at the early stages of any difficulty, he would be able to prevent allegations taking a serious turn, by the clever short written responses he would draft, as reply to threats of disciplinary actions. Government employees from all parts of Sri Lanka would come to him, when they were in trouble. With a mischievous twinkle in his eye, he would be busy trying to frustrate some very senior departmental administrator's efforts in persecuting a smaller employee with disciplinary action. This was the work that he enjoyed. Such situations provided him with the challenges he required to make him count his life worthwhile.

When in his office, he knew where the brains in that office resided. It rested with him.

He started his working life, getting recruitment into the prestigious Royal Air Force, when it appeared that Japanese invasion of Ceylon was imminent. This happened during World War Two. A large number of school boys joined the military forces at that time. Not too long afterwards, he was trusted to work with communications, in the office of the Headquarters of the South East Asia Command, (SEAC). his Commander-in-Chief (C-in-C) was a British Admiral, who later became known as Lord Louis Mountbatten. When the SEAC shifted from Peradeniya to the Burma front, Balarutnam, wanted to go to Burma, with his C-in-C. But his C-in-C declined to take him to the battle front in Burma, because Balarutnam was only a teenager, who had enlisted giving a wrong age. He was not yet 18 years old. He was told that going to Burma would mean certain death in the jungles, even if he escaped the enemy bullets. He was asked to get a written letter from his mother, containing her consent to his going to Burma. His mother did not consent. As a result, he continued his military service in his home country, until he was demobilised after the war ended.

The few years in military service changed his life for ever. He did not bargain for the war to end so suddenly, and so soon. It made him a very mature young man.

It was with a sense of sorrow that Balarutnam left Jaffna, a few years ago, to reside in Britain. He knew that he would die in Britain.

Dr. Victor A. Benjamin,

Australia.

Tamil Lawyers' Association (UK)

The Annual General Meeting of the Tamil Lawyers' Association (UK) was held on 1st December 1996. Several amendments to the constitution were made and the following were elected to the Executive Committee for 1997.

President: Mr. S.J. Joseph, **Vice Presidents:** Messrs. A. Sriharan and P. Arul, **General Secretary:** Mr. K. Vettivel, **Asst. Gen. Secretary:** Mr. S. Srikanthalingam, **Treasurer:** Mr. M. Neminathan, **Asst. Treasurer:** Mrs. Shiranee Thevarajah, **E.C. Members:** Messrs S. Yogarajah, C. Sithamparapillai, S. Paramalingham, R.D. Ratnasingham, A. Rajakarier & S. Manogaran. The new Executive Committee co-opted Mr. P. Rajanayagam as an additional member.

The new Executive Committee has put forward the following activities to be included in the programme of work for the year.

(a) Period Seminars. (b) Liaising and co-ordination with lawyers overseas. (c) Collating and compiling documentations about Human Rights Violations and Tamil Refugees. (d) Organising cultural, sports and social events. (e) Publishing a quarterly bulletin.

Threeya Tharmendiran's Arangetram

It was with pleasure that I read in the 'Tamil Times' of 15th January 1997, the complimentary review of Threeya's Bharatha Natya Arangetram by Mr. Sivapatha Sundaram, who paid glowing tributes to Lakshmi Samarakoon (alias Lakshmi Ganeson) and Threeya.

Please forgive me for pointing out what I believe to be a bona fide error. Credit has been given to me for composing music and choreography. I can confirm that I played no part in the choreography which was entirely the product of Lakshmi's efforts.

Having had the rare privilege of working closely with Rukmini Devi as a lecturer at Kalakshetra for over fourteen years, I can only marvel at Lakshmi's innovative choreography of the entire repertoire and the befitting scholarly review by Mr. Sivapatha Sundaram a veteran connoisseur of South Indian Art forms.

Karaikudi Krishnamurthy.

Dance Debut of a Dutch Girl

In recent times we are witnessing many western girls and boys taking up Bharatha Natyam and reaching graduation standard. The discipline and dedication shown by them is amazing. Jetta, daughter of Dutch parents Mr. & Mrs. Astrid of Amsterdam, Holland had her Arangetram on 8th December 1996 at the Tropical Institute Auditorium in Holland.

Jetta is the disciple of Smt Indra Devi Mehilal-Panday, under whom she had trained for six years. Indra runs her own School of Dance in the 'Thanjavur Parni'. She being a direct disciple of the famous Nattuvanar Sri Kittappapillai of Tanjore, tries to maintain the purity of that style. She is also a well known performing artiste.

Jetta commenced her programme with Pushpanjali, Ganesha Gowthvam and continued with Sabtham and the Varnam 'Manavi' in Sankarabarana Ragam. After the intermission the 'Rama Geetham' in Aarabi Ragam and 'Krishna Ni' in Yamune Kalyani Ragam was well received by the audience which was predominantly Dutch. Jetta's bhava was very commendable. The pathams were sung with devotion and emotion. Jetta was ably assisted by the accompanying artistes Smt Indra Mehilal – Nattuvangam, Smt Ambika Thamotheram – Vocal, Sri Ravi Dharmaraj – Mirdangam, Smt Komala Ramalingam – Violin, and Smt Darshan Kumari – Tampura.

Dr. Ethirveerasingham Feted by Jaffna Central Old Students

Dr. & Mrs. N. Ethirveerasingham were guests of honour at a dinner held on 25.1.97 at Palm Beach Restaurant, West Ealing, London. An alumnus of Jaffna Central College, Dr. Ethir is an agriculturist, academic and sportsman. He represented Sri Lanka in the high jump event in the Olympic Games at Helsinki and Melbourne and in the Asian Games at Manila, Tokyo and Djakarta. He won a Gold Medal at Tokyo in 1958.

Dr. Ethir studied Agriculture at the University of California and earned his Doctorate in Agricultural Education at Cornell University, New York. He had taught in the Universities of Sierra Leone, Nigeria, and Papua New Guinea and was attached to the UNESCO for five years. From 1994 he was a visiting lecturer in Agriculture at the University of Jaffna located at Kilinochchi. Again in September 1995, motivated by the appalling conditions in the North, he returned to Kilinochchi District as a volunteer to work with the farmers. He was appointed Chairman Coordinator of the sub committee of the emergency food programme in the GA's divisions of the North.

Dr. Ethir has been actively involved in the settling of internally displaced persons and had contact with all sections of the community. Having lived and worked there, travelled to and from Jaffna Peninsula, discussed the many issues confronting the Tamil people with farmers, teachers, students, traders, government servants and the LTTE and experienced daily life as a civilian in the North, he has gained a good understanding of the current situation and developments in the North.

Speaking at the dinner, he gave a detailed description of the deplorable situation there and expressed his strong feeling that those of us living outside must speak with one voice and work towards a negotiated settlement of this long and prolonged process of self destruction.

Dr. Ethir is currently residing in the USA with his wife, who is an American, and three children. He hopes to be back in Mankulam in the North in March this year.

K. Balakrishnan,
Hon. Secretary,
JCCOB & OGA (UK Branch).

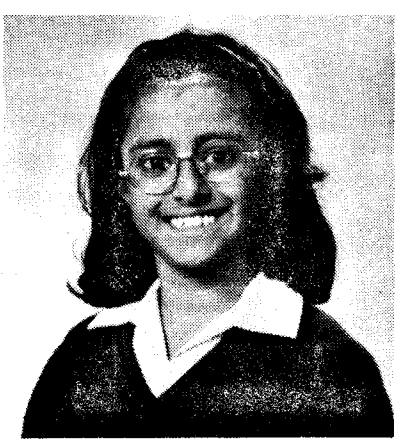
Indumathi Performs Inaugural Dance

Smt Indumathi Srikumar *performed the inaugural dance at the Dance Festival of the Sri Thyaga Brahma Gana Sabha held on 4th January 1997 at Vani Mahal, T. Nagar, Madras. Besides the Vinayaka Sthuthi, she performed Varnam (Senthil Mevum), Kirthanams (Panjach Peeta Rupini) & (Iyyappan Avatharitha Kathamrutham), Guru Bhajan (Manasa Bhajara) and Thillana before an appreciative audience. She was ably accompanied by Sri K. Rajashekharan – Vocal & Nattuvangam, Sri Keshavan – Mridangam, Sri Seetharama Sarma – Violin, Sri A.V. Unnikrishnan – Flute. Picture above shows her receiving the Thyagaraja Swamigal Memento from Kalaimamani Dr. Srinidhi Rangarajan.*

Indumathi started learning dancing at the age of four and had her Arangetram in Colombo as a pupil of the late Smt Kamala Johnpillai when she was eleven. She has appeared on TV and had given a dance recital for the World Hindu Conference in 1982. She is a disciple of the late J. Venkatachalapathy of Kalakshetra.

She is an engineering graduate in Electronics and Communications and obtained the Masters Degree in Information Engineering from the City University, London. She is currently working for the Royal London Hospital. Her husband is a medical doctor.

Janany Passes G.C.E. (O/L) at Nine



Nine year old Janany, daughter of Mr. & Mrs. Arunachalam of 369 Allenby Road, Southall, Middlesex has passed the G.C.E. (O/L) examination in Tamil held by the Cambridge University in November 1996. She has been a student of the West London Tamil School since the age of five. She also has successes at Grade 5 in Veena, Grade 4 in Vocal and Grade 1 in Flute. Our heartiest congratulations go to her.

House for Sale
– Batticaloa, Sri Lanka

Recently refurbished 4 bed roomed house in 40 perches square block land, best part of Batticaloa Town (Anaipanthi), Town water pipeline supply, own well with good water. Telephone, five minutes walk to all big schools, temple, hospital, banks, Town shopping area. £50,000 o.n.o. payable in UK. **E 74 c/o Tamil Times.**

J. KULENDRAN
Beddington Insurance Services (Wimbledon) Ltd

157A Hartfield Road, Wimbledon,
London SW19 3TJ
Tel: 0181-543 5181 Fax: 0181-543 0728

MOTOR
- Fast cars
- Young drivers
- Convictions, etc.

HOUSEHOLD
- Contents and Buildings
- Commercial and Domestic Funding

COMMERCIAL
- Business Insurance
- Liability
- Indemnity, etc.

Fully Computerised Guaranteed Quotes and Instant Cover For Motor Vehicles
Payment by Instalments Available

WE EXCEL IN THE PERSONAL SERVICE WE PROVID

TAMIL EELAM
ECONOMIC DEVELOPMENT ORGANISATION
(TEEDOR)

ORGANISES SYMPOSIUM

ON

TOWARDS MEETING THE ENERGY REQUIREMENTS OF TAMIL EELAM

AT

DEPARTMENT OF MECHANICAL ENGINEERING
MAIN ENTRANCE, IMPERIAL COLLEGE
UNIVERSITY OF LONDON, EXHIBITION ROAD
LONDON SW7

ON SUNDAY, 16TH MARCH 1997,
10 AM - 6 PM

DISTINGUISHED SPEAKERS AND PARTICIPANTS FROM UK, USA, CANADA, HOLLAND, SWITZERLAND, TAMIL EELAM AND OTHER COUNTRIES ARE EXPECTED

THOSE INTERESTED IN PARTICIPATING, PLEASE CONTACT CONFERENCE COORDINATOR, TEEDOR, EELAM HOUSE, 202 LONG LANE, LONDON SE1 4QB
TEL: 0181 365 0249 FAX: 0181 365 0073

SHAN & CO

Solicitors and Administrators of Oaths

We give you Friendly & Professional Advice on:

- ★ Immigration & Nationality
- ★ Representing at Police Stations (24 hours)
- ★ All Aspects of Civil & Criminal Litigation

We Offer Expert Advice
K. Shanmugarajah & Partners
189 Northolt Road, South Harrow,
Middlesex HA2 0LY
Tel: 0181 864 5839 (5 lines),
Fax: 0181 423 8130 Mobile: 0976 439141

SKY WINGS LTD
TRAVEL AGENTS

"WE ARE ATOL BONDED FOR THE PROTECTION OF OUR CLIENTS"

119 Tooting High street, London SW17 0SY

BOOK WITH CONFIDENCE.
FULLY BONDED AGENT
FOR YOUR FINANCIAL PROTECTION
IMMEDIATE CONFIRMATION
AND ISSUE OF TICKETS

TOOTING BROADWAY

MAIN AGENT FOR AIRLANKA

ROYAL JORDANIAN الملكية الأردنية

Call: Bala, Shankar or Dash

ATOL 73782

Tel: 0181-672 9111 (3Lines),
0181-682 4747 (3Lines)
Mobile: 0850 876921
Fax: 0181-672 0951

Open 7 days a week from 0930 till 2130hrs

PARAM & CO
TAX CONSULTANTS

With 18 years experience in tax investigations with the Inland Revenue now in private practice.

Please contact:
Siva K. Parameswaran, B.Sc., FCA
Chartered Accountant

18 Foxley Lane
Purley
Surrey CR8 3ED

Tel: 0181 660 7747
Tel/Fax: 0181 763 8615

WESTERN JEWELLERS

The One & Only Tamil Jeweller in London

✪ VISIT US NOW FOR LATEST 22CT. GOLD JEWELLERIES.
✪ WIDE RANGE OF STOCKS ALWAYS AVAILABLE.

Thali Kodi, Necklace sets, Pathakkams,
Various types of Ear Studs, Jimmikkies,
Panchayuthams, Chains, Bangles Etc. Etc...

WE PERFORM THALI POOJA AS WELL.

230 UPPER TOOTING ROAD,
TOOTING, LONDON SW17 7EW
TEL: 0181-767 3445
FAX: 0181-767 3753

WE ARE AT YOUR SERVICE
SEVEN DAYS A WEEK

ATOL 3045

DUKE'S COURT TRAVEL

IATA

204 KING STREET LONDON W6 0RA FAX 0181 741 8657

MAIN AGENT FOR COLOMBO

BRITISH AIRWAYS *On* **AIRLANKA**

A taste of Paradise

FARES FROM £416.00*

GATWICK - COLOMBO	COLOMBO - GATWICK
Tuesday & Saturday	Wednesday & Sunday

Stopover in Dubai & return from Madras possible (Details on request)

HEATHROW- COLOMBO	COLOMBO- HEATHROW
Tuesday & Thursday	Tuesday & Thursday
Saturday & Sunday	Saturday & Sunday

FAMILY FARES - 40kg BAGGAGE

We also offer
- FARES ON OTHER AIRLINES TO COLOMBO
- 10% TRAVEL INSURANCE DISCOUNT
- LOCAL TOURS / HOTEL BOOKINGS / AIRPORT TRANSFERS
- COLOMBO TO LONDON FARES AVAILABLE
- CHILDREN'S DISCOUNT 2-11 YEARS

Summer special Depart July **£490.00** -RETURN- Guaranteed fare **Book Now** And avoid dissapointment

BOOK WITH CONFIDENCE. UK CIVIL AVIATION BONDED FOR YOUR FINANCIAL PROTECTION. IMMEDIATE CONFIRMATION AND TICKETING

CALL US NOW!!!

0181 748 3535

FOR EMERGENCY TRAVEL DURING WEEKENDS CALL 0468 690 418

Summer special Depart July **£490.00** -RETURN- Guaranteed fare **Book Now** And avoid dissapointment

SHIPPING – AIR FREIGHT – TRAVEL

UNACCOMPANIED BAGGAGE – PERSONAL EFFECTS, HOUSEHOLD GOODS
VEHICLES, MACHINERY ETC.

To **COLOMBO** *AND OTHER WORLD WIDE DESTINATIONS*

MAIN AGENT FOR AIRLANKA

Passenger Tickets and Unaccompanied Baggage

Please Contact Us For Various Discounted Fares To Colombo And Other World Wide Destinations

GLEN CARRIERS LIMITED

14 Allied Way, off Warple Way, Acton, London W3 0RQ
Telephone: 0181 740 8379/0181 749 0595
Fax: 0181 740 4229
BONDED WAREHOUSE
Laksiriseva, 253/3 Avissawella Road, Colombo 14 Tel: 575576

AARABEE CENTER

at

THE BHAVAN CENTRE

for your

Books/Classical Music Audios/-
C.Ds/Video Cassettes
Exquisite Kancheepuram Sarees/-
Jewellery

WE ALSO STOCK AND SELL

Veena/Miruthangam/Violin/-
Electronic Thamburas
Hindustani Books &
Classical Music Items

We also buy and sell Foreign Currency and remit money overseas.
Please call: 0171 402/4880/4668

Next time when you come to The Bhavan

DO **VISIT THE BOOKSHOP**
4A Castletown Road, London W14 9HQ
Tel: 0171 610 1575 **Fax: 0171 381 8758**

TRICO INTERNATIONAL SHIPPING LTD

TRICO SHIPPING SCHEDULE

YOUR GOODS MUST BE AT OUR WAREHOUSE 5 WORKING DAYS BEFORE DEPARTURE

Vessel Name	Closing Date	Sailing	Arrival
Hanjin Felixstowe	19.01.97	24.01.97	09.02.97
Hanjin Rotterdam	26.01.97	31.01.97	16.02.97
Hanjin Malta	09.02.97	14.02.97	02.03.97

CANADA
Trico Shipping – 685 Lansdowne Av., Suite 202, Toronto, Ont. M6H 3Y9.
Toll Free: 1-800-565 6190
Tel: 416 536 0098

AUSTRALIA
Unit 8, 24-26 Carrick, Tullamarine, Victoria 3043
Tel. 631 3388 5978

Our modern warehouse and offices are under one roof with ample car parking facilities where our customers have the extra benefit of packing their goods themselves with our assistance.
We offer a friendly and professional service at competitive rates. Once your goods are in our hands, we guarantee a safe and efficient delivery to your destination. We also offer FREE STORAGE to our customers for a period of ONE MONTH in our bonded warehouse in Colombo.

THE LEADING SRI LANKAN SHIPPING AND FREIGHT FORWARDING COMPANY IN THE UK

Trico International Shipping Ltd
Unit 4,Building 'C'The Business Centre at Wood Green, Clarendon Rd,London N22 6XJ
Tel: 0181-888 8787 Fax: 0181 889 5445